


Canada. Royal Commission on
Pilots

Hearings. 1964

nos 94-96



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A 817
ROYAL COMMISSION

ON 42

PILOTAGE

HEARINGS

HELD AT

MONTREAL

VOLUME No.:

94 A - 96A

DATE:

Jan. 13, 1964

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.

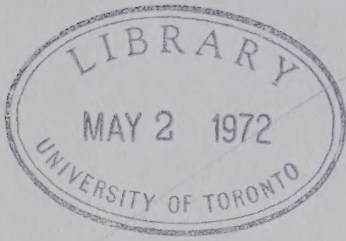
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the International
Aviation Building, Montreal,
Quebec, on Monday, the 13th
day of January, 1964.

COMMISSION :

The Honourable Mr. Justice Bernier -- Chairman
Mr. Robert K. Smith -- Member
Mr. Harold A. Renwick -- Member
Mr. Gilbert Nadeau -- Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Richards for the Canadian Merchant
Service Guild
Mr. J. Brisset, Q.C. for the Shipping Federation
of Canada
Mr. Marc Lalonde for the Federation of St.
Lawrence River Pilots;
Corporation of the Lower
St. Lawrence Pilots; the
Corporation of the Montreal
Harbour Pilots; the Corpor-
ation of the Mid-St. Lawrence
Pilots; the Corporation of
the St. Lawrence River and
Seaway Pilots; the Corpor-
ation of the Upper St.
Lawrence Pilots.



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* * * * *



Montreal, Quebec
Monday
January 13th, 1964

11658

1 French

A/MR/RPS 2 ---ON COMMENCING AT 10:00 A.M.

3

4 ANDRE BEDARD, Sworn

5 (THROUGH THE INTERPRETER.)

6 CROSS-EXAMINATION BY MR. BRISSET:

7

8 Q. Mr. Bedard, your evidence relative
9 to the stoppage of work in 1963 seems to give the
10 impression that the Federation of the St. Lawrence
11 Pilots is not the organization which has taken the
12 decision to stop work, but rather that this decision
13 was made by the various Corporations, members of the
14 Corporations. Is that so?

15 A. This is so. This is correct.

16 Q. Is there any special reason on
17 your part for having given this impression? Was the
18 decision really taken by the Corporation?

19 A. No special reason why I want to
20 give this impression. The fact have been such the
21 Corporations, the members took the decision of a
22 stoppage of work and the Board of Directors of the
23 Federation decided to support the Corporation which
24 would decide to stop working but at the beginning, at
25 the origin the decision was taken by the Corporations
26 themselves.

27 Q. Do you think it would have been
28 a bad policy for the Federation to take this decision
29 itself in order to incite the Corporation to stop
30 working at that time?



1 French

2 A. Yes, I think so because the
3 democratic nature of this body, this is essentially
4 a group, I do not think that the Board of Governors,
5 or Board of Directors representing only 12 members
6 could suggest or impose such a decision because this
7 is a very important decision indeed, and I think it
8 is more democratic, so to speak, to discuss within the
9 Corporation and to have the Corporation members make
10 their own decision on the matter at the level of the
11 Board of Directors.

12 Q. In other words, owing to the
13 importance of this question you thought it advisable,
14 within the Federation, to let the Corporations free,
15 because they were a democratic organization, and to
16 let them be free to make this decision of a stoppage
17 of work?

18 A. Yes. That is correct.

19 Q. During your evidence you explained
20 one particular Corporation was the first one who
21 informed you about this decision to stop. Which was
22 this Corporation?

23 A. The Corporation of the St. Lawrence
24 Central Pilots.

25 Q. Later on the Federation decided
26 to support them and if I understood correctly the
27 Federation has assumed the responsibility of the
28 negotiations which took place with the Minister and
29 Deputy Minister. Is that so?

30 A. Within the Board of Directors there



1 French
2 was set up a negotiating committee, so to speak,
3 represented by the President, where were represented
4 the President of each Corporation and also the President
5 and Secretary of the Federation. This negotiating
6 Committee was granted a number of powers by the
7 Corporation members through their Presidents sitting
8 on this negotiating committee.

9 Q. Mr. Bedard I would like to review
10 what was the membership of the Board of Directors of
11 the Federation in 1962 during this stoppage of work
12 and I understand that at that time you were the President
13 and you belonged to the Corporation of the Pilots of
14 the Lower St. Lawrence. Is that so?

15 A. This is so.

16 Q. As President you had Mr. Jean
17 Guy Chartier who was President of the Corporation of
18 the Pilots of the Seaway. Is that so?

19 A. That is correct.

20 Q. As Secretary you had Mr. Laurent
21 Marchand, former President of the Corporation of the
22 Central St. Lawrence Pilots?

23 A. Yes, that is correct.

24 Q. As Administrator you had Mr.
25 Gaston Rousseau who was President of the Corporation
26 of the Pilots of the Lower St. Lawrence. You also
27 had Mr. G.D. Long who was President of the Pilots'
28 Corporation?

29 A. No, not at that time. I don't
30 think Mr. Long was sitting with the Board of Directors,



1 French
2 of various Corporations had a very great influence
3 on the decision taken by the Corporation itself, because
4 I think they were at the head, or the leaders of the
5 drive in order to have the stoppage of work decided.

6 A. The idea of the stoppage of work
7 was borne within the Corporations themselves. The
8 idea was not borne during the meetings of the Board
9 of Governors as you seem to indicate.

10 Q. You had more or less the same
11 officers within the Corporation, as you had sitting at
12 the Board of Directors of the Federation?

13 A. Yes. It is traditional for the
14 President of the Corporation to be Administrator of the
15 Federation.

16 Q. In other words, following the policy
17 adopted by the Federation, within your Board of Directors
18 you have the same officers as those who are at the
19 head of the Corporations?

20 A. Generally this is so. This is
21 not binding. There is no such a law but that is what
22 happens traditionally.

23 Q. When the stoppage of work was
24 decided, the Corporations which were set up during
25 the five previous years, in 1957, the first one was
26 a Corporation of the Kingston-St. Lawrence Pilots,
27 these Corporations therefore had at that time signed,
28 all of them, their adherence to the Federation.

29 A. Yes.

30 Q. In other words, the work which was



1 French:
2 started in 1957 had reached the aim which had been
3 foreseen. That is, to bring together all pilots, in
4 the last resort, within an organization which would
5 depend on a central body, governed by more or less
6 the same officers as those at the head of the Corporations.
7 In other words, the building was complete.

8 A. One of the aims of the Federation
9 was to bring together all the pilots working on the
10 Seaway and on the River. The aim was partially reached
11 at least. It could go further.

12 Q. Is it not fair to say in this
13 case, Mr. Bedard, that in 1962 the last stone having
14 been put on the edifice, by declaring a strike the
15 forces were put to the test, the forces opposing the
16 Ministry and the various Corporations?

17 A. No, not at all. It was not
18 testing those opposing forces.

19 Q. Let us now turn back to the role
20 of the Federation in this strike. You told us that
21 on March 20th 1962 yourself, as President of the
22 Federation, and your legal adviser had met with the
23 Minister.

24 A. That is so.

25 Q. Did the representatives of the
26 various Corporations join you on this occasion?

27 A. No. I was alone with the legal
28 adviser.

29 Q. Therefore, you were authorized
30 to negotiate on behalf of all the Corporations for the



1 French

2 Federation?

3 A. At that time the legal adviser
4 and myself were not authorized to go and see the
5 Minister and to negotiate agreements on behalf of the
6 Corporation members. We were delegated to explain to
7 the Minister the difficulty and the situation and its
8 seriousness at that time. It did not seem that -- they
9 did not seem to realize the situation was a serious
10 one.

11 Q. In any event, Mr. Bedard, is it
12 correct to say that from March 20th the Federation
13 itself took over the negotiations and the ultimatums
14 which were given by the Corporation to the Minister?

15 A. I would like to say that the
16 Corporation assumed the responsibility of the negotiation
17 but the President of each Corporation was, of course,
18 in close communication with its own Board of Directors
19 and with the members of the Corporations and, therefore,
20 these members were consulted before the Committee
21 of Negotiations was asked to make any proposal whatso-
22 ever and before these proposals were accepted.

23 Q. As from the 20th of March 1962,
24 when several meetings took place with the Minister,
25 certain of these meetings took place also with the
26 shipping owners. Each time you have met with the
27 head of the Department were the shipowners not present?

28 A. They were not present.

29 Q. Therefore, each party negotiated
30 separately, independently with the Minister?



1 French

2 A. That is correct.

3 Q. In other words, we were facing
4 the situation that had already occurred in 1960. The
5 pilots or their representatives had an audience with the
6 Minister and subsequently the Minister would receive
7 the shipowners?

8 A. That is correct. This is the
9 procedure that was followed and in 1962 we have stated
10 publicly, and on many occasions, that we wished to
11 meet with anyone, that is the shipowners or the Pilotage
12 Authority at the beginning of April. At that time
13 no one seemed to be interested in meeting with the
14 pilots.

15 Q. Now when you were having your
16 meeting with the Minister, did he in turn inform you
17 about the nature of his discussions with the shipowners?
18 Were you kept informed about that?

19 A. No. I couldn't say that the
20 Minister revealed to us what transpired in the course
21 of his discussions between himself and the shipowners.
22 I remember that he told us that the shipowners were
23 quite tenacious regarding their stand, but that he
24 would tell us about the discussion that took place,
25 no, it was not the case.

26 Q. Were you in a position to check
27 eventually, when everything was finished and when you
28 were able to ponder upon what took place, were you in
29 a position to notice if the Minister whenever he made
30 a proposal to you had in fact given the nature of this



1 French

2 proposal to the shipowners as you had done yourself?

A2 3 A. Well this is the impression I
4 got. I was not in a position to check it and I couldn't
5 certainly tell you for sure.

6 Q. In other words, you are not in a
7 position to confirm or deny that the Minister might
8 tell you one thing and then on the other hand say
9 something else to the shipowners, or vice versa?

10 A. No, I am not in a position to tell
11 you that because, as I wasn't there on each occasion,
12 it is impossible for me to say so.

13 Q. During the cross-examination of
14 my colleague, Mr. Langlois, you led us to understand
15 that it had been decided to make the stoppage of work
16 at the beginning of April because at that time the
17 buoys had not as yet been installed and it was the
18 time of freshet, or the time of the breaking of the ice and
19 if there had been a stoppage of work there is a possib-
20 ility that the vessels could not have gone upstream
21 on the River for at least four or five days because
22 of this breaking of ice?

23 A. That is correct.

24 Q. Would it be accurate to suggest
25 to you that you had chosen that period of time because
26 you were frightened that if the strike had taken place
27 at the end of April, or the beginning of May when the
28 navigation conditions would have been better, a vessel
29 could have gone upstream and downstream on the River
30 without pilots? I don't say at all times of the day and



1 French

2 as rapidly, but they might have been able to do without
3 pilots and in order to demonstrate for the purpose of
4 safety of navigation, or swiftness of the navigation
5 pilots were not as necessary as all that.

6 A. No. This is quite acceptable
7 to think that certain vessels in the more pertinent
8 time than April might have risked more easily going
9 downstream on the River, but to think that from the
10 safety viewpoint these people might have proved something,
11 I think that the opposite would have been proved.

12 Q. Were you told about the fact that
13 certain measures had been taken in order to organize
14 certain ship convoys in order to go upstream on the
15 River as soon as the buoys were installed?

16 A. Yes, this was told to us. We
17 had questioned the efficiency of that.

18 Q. So you have questioned the efficiency?

19 A. Yes, to sort of make a convoy.

20 Q. There is a part which is not
21 quite clear to me by the reading of your evidence and
22 it's the following one; when you were asked how many
23 general meetings of the members or the delegate members
24 had been convened since the establishment of the
25 Federation, you had told us in the first place that there
26 were three; in October 1960, in April 1962 and in June
27 1963 and subsequently you corrected yourself and
28 have mentioned only the meeting in October 1960 and June
29 1963. In fact, was there any convening of a special
30 general meeting of the delegate members upon the occasion



1 French
2 of the stoppage of work of April 1962?

3 A. I am going to refer to the minute
4 book at lunchtime and I am going to read that over and
5 I am going to give you an answer in the afternoon. It
6 was a little bit mixed up when the question was asked
7 at the time and before answering that question I would
8 like to check.

9 Q. Could you please also check if there
10 was a convening of general convention of the active
11 members in the month of April. Could you please remember
12 also that I am asking you this question because, in the
13 course of your evidence, you have also mentioned that
14 each and every one of the Corporations had convened at
15 that time a meeting of its members.

16 Mr. Bedard, following your meeting with
17 the Minister on March 20th 1962, your legal adviser
18 sent a telegram to Mr. J.A. Baldwin, Deputy Minister,
19 which has been filed as Exhibit 761 and in which import-
20 ant concessions are mentioned, concessions that were
21 offered by the pilots and I am going to quote the
22 English text which I have before me:

English 23 "Mr. Bedard and myself have reported
24 "to the Board of Directors of the Feder-
25 "ation of St. Lawrence River Pilots.
26 "Express gratitude for interview granted
27 "to us. Directors wish to stress that
28 "in view of important concessions offered
29 "concerning tariff freeze for two years
30 "and serious and thorough study of target



1 English

2 "income system, their requests of tariff

3 "adjustments and other matters are

4 "reasonable and should be accepted . . ."

5 and so forth.

French

6 (THROUGH THE INTERPRETER.)

7 Q. Could you please tell us what
8 were these important concessions which had been made
9 at that time?

10 A. Before leaving to go to the meeting
11 we were asked to inform the Minister about the
12 seriousness of this situation and concerning the tariff
13 matters I think that the Board of Directors had
14 mentioned that if the tariff question would be settled
15 then it would not be necessary to re-open that question
16 of tariff in order to ask for a raise for a period of
17 two years.

18 Q. In other words, what you were
19 telling the Minister was the following: If you grant
20 us this tariff increase that we have requested upon
21 the winter meeting in February 1962, we won't ask for
22 any further raise for a period of two years?

23 A. That was done, yes, regarding the
24 tariff matters but there was another important question
25 which was also the four and a half per cent which has
26 been claimed for administration purposes and expenses
27 and we asked the Minister to give public announcement and
28 -- to get away from this principle of asking for this
29 four and a half per cent from the pilots in order to
30 cover the administration costs and the shipowners complained



1 French

2 many times that there was every year a request for an
3 increase in rates. And then we would not have an increase
4 for two years, or request for an increase.

5 Q. So this had nothing to do with the
6 past request but with the future request?

7 A. Well these requests have been done
8 in the past during the winter negotiations prior to
9 March 20th and they were repeated afterwards, after
10 March 20th.

11 Q. What you were asking the Minister
12 to do was the following: Give us the increase that we
13 have asked for upon the 1962 winter meeting and abandon
14 your project of imposing an administration fee which
15 would be taken from the pilots' income and then we
16 the pilots guarantee that we won't ask for any further
17 increase during the period of two years.

18 A. That is correct.

19 Q. Do you seriously think, Mr. Bedard,
20 that in the course of negotiations, for example,
21 around a collective agreement it is an important
22 consideration for the worker to say give us what we
23 ask and we won't ask for anything further for a period
24 of two years?

25 A. I am not in a position to answer
26 that question.

27 Q. At any rate, Mr. Bedard, on
28 April 6th, the date of the starting of this stoppage
29 of work, the only pending matters which were still being
30 discussed were those mentioned in your telegram dated on



1 French

2 the same day which was also filed as Exhibit 761 and
3 I would request you if the Secretary is willing, to
4 keep before you a copy of that telegram. Do you have
5 a copy of that telegram?

6 A. No.

7 Q. You have before you a cable sent
8 to the Minister in 1962 which is the cable indicating
9 the six questions still pending. The telegram is dated
10 April 6th?

11 A. That is correct.

12 Q. I would like you to read the
13 first question please.

14 A. The pending questions: no formal
15 declaration has been made by your Department against
16 the proposal that part of the income of the pilots
17 should be given to piloting expense.

18 Q. In this respect, Mr. Bedard, I
19 would like to refer you to a cable dated the same day
20 from the Minister to your legal adviser.

21

22

23

24

25

26

27

28

29

30



/PB/RPS 1 French

2 This was I think marked with the same
3 number, and I would like to quote an abstract from it:
4 The question of the expenses of the pilot bills, et
5 cetera, this question was examined for the Quebec-
6 Montreal District and is a matter of definite study,
7 which we shall carry on, that rather than taking
8 dilatory steps -- is the word dilatory or should
9 be arbitrary?

10 MR. LALONDE: Could you please tell us
11 whether this is a cable in reply to the one which has
12 been quoted before? This is dated May, isn't it?

13 MR. BRISSET: Yes, it is. It is
14 dated 6:10 p.m.

15 THE WITNESS: The other one has no
16 time mentioned but the date is April 6th.

17 MR. BRISSET: Q. The one I have just
18 read is a reply to the other one. In any case the
19 question was the following, the Minister said the
20 question was under study and there would be no decision
21 made, no arbitrary decision.

22 A. No, I think that when the word
23 dilatory was used it was because the question had
24 been under study for a long time. It is sort of a sword
25 placed over our heads and generally that has gone for
26 such a long time and when this cable that this thing
27 is being studied again -- what we wanted wasn't so much
28 a study. We wanted the Minister to decide against the
29 principle.

30 Q. But the advice given to you by the



1 French

2 Minister to the effect that the decision hadn't been
3 taken and the whole thing was being studied doesn't
4 seem sufficient reason for deciding something as
5 important as a stoppage of work.

6 A. This question of using part of
7 the dues for piloting account expenses was a way of
8 putting a sort of ceiling in the pilot incomes, in
9 Saint John five per cent and in Quebec four per cent
10 and so on. This would in the end establish a ceiling
11 in the income of the pilots. Of course it wasn't
12 satisfactory to us to hear from the Minister that the
13 question was still being studied. We wanted a more
14 categorical answer.

15 Q. In other words you were putting
16 an ultimatum to the Minister asking him to decide on
17 this matter without further negotiations or discussions?

18 A. Well, the question had been debated
19 for over a year. We had been informed by two previous
20 letters from the Minister, but these letters were most
21 vague and when the last letter came we knew where we
22 stood and immediately we stuck to the principle.

23 Q. In other words the question had
24 already been mentioned once or twice before, a year or
25 two years before and nothing had been done, so you
26 were justified in feeling that the measure wouldn't
27 be imposed immediately?

28 A. Yes. We had reasons to fear that
29 because we were almost under a covered sky we didn't
30 know what the Government had in mind. The second letter



1 French

2 was a little clearer and the third letter, of course,
3 was very clear. The pilot incomes were going to be
4 diminished.

5 Q. Mr. Bedard, let us take the third
6 question. I am quoting the text:

7 No licence was issued to increase the
8 number of pilots in the Quebec, Montreal
9 District. In reply the Minister in his
10 cable said he would inform you that we
11 have agreed on the increase of the number
12 of pilots in the Montreal, Quebec District
13 and that licences have already been
14 issued. Were you not satisfied with
15 the reply from the Minister at that time?

16 A. We made an inquiry to see whether
17 licences had been issued, but learned they hadn't. They
18 were issued a few days later.

19 Q. You had a reply from the Minister.
20 You wanted to get more than St. Thomas. You weren't
21 satisfied with the voluntary declaration from the
22 Minister?

23 A. We were satisfied to hear that the
24 number of pilots was going to be increased, but it was
25 rather ambiguous because the cable said that the
26 licences are already issued and in the light of our
27 own inquiry it appeared that no further licences had
28 been issued.

29 Q. In other words you didn't believe
30 what was said by the Minister? You had to see the



1 French

2 new licences?

3 A. Well, he said that they had been
4 issued, and of course we had to check on that.

5 Q. Let us take the third pending
6 question which in your cable to the Minister reads
7 as follows:

8 No date set by your Minister
9 for the coming into force of the apprentice-
10 ship system. We suggest spring of 1963.

11 Mr. Bedard, did you think that this
12 question of the Cornwall apprenticeship was an adequate
13 reason to justify the stoppage of work in all the
14 Districts of the St. Lawrence?

15 A. No.

16 Q. In other words is it not true
17 that at the time you had excessive pilots in that
18 District already. Is it not true that there was one
19 spare who always had to be away, not working?

20 A. In the Kingston District, but
21 not in the Cornwall District.

22 Q. In the Cornwall District?

23 A. From Cornwall to Montreal. The
24 excess of the number of pilots was in the District,
25 the Upper St. Lawrence, from Cornwall to Kingston.

26 Q. The fourth pending question was
27 the following:

28 No decision that the Kingston, Cornwall
29 pilots no longer have to go out of their
30 District.



1 French

2 Did you think that this question was of
3 a general interest and was interesting enough to justify
4 the stoppage of work of the whole District, all the
5 Districts?

6 A. No, if you take these question by
7 question the majority of these questions or these
8 problems are not sufficient to give reasons for stoppage
9 of work in one particular District. The only question
10 which was important enough to be grounds for the
11 stoppage of work was the change in the principle
12 according to which the Minister was going to impose
13 to certain pilots to pay these expenses, administration
14 expenses. This in my opinion was the only reason which
15 could give reasons for the stoppage of work. The other
16 questions were pending questions, and of course they
17 could be dealt with at the same time as the other ones,
18 the important one.

19 Q. If I understand you correctly
20 the fifth question was, therefore, not a very important
21 question anyway. It reads as follows:

22 No realistic basis established
23 to calculate pilot income. At present
24 the figures given by the Minister are
25 increased.

26 A. This is a very important question.
27 This, of course, gives rise to stoppage of work in
28 itself. It is an important question because it is true
29 that the amounts of the pilots' incomes that were pub-
30 lished by the Minister and which was net incomes -- gross



1 French

2 incomes, this was sort of thrown as such to the public,
3 and of course it gave rise to a lot of misunderstanding,
4 bad feelings and a bad impression as to the actual
5 income of the pilots. Also the basis of the calculations,
6 the time and so forth, they weren't calculated in the
7 pilot's account.

8 Q. Mr. Bedard is it fair to say that
9 the Corporation in each District are those, are the
10 persons which are in the best possible position to say
11 the gross income or the net income of the pilots which
12 are members of this Corporation?

13 A. The pilots themselves are in a
14 position to say so.

15 Q. I would like to establish a
16 distinction between the pilots and the Corporation. It
17 is the Corporation which are capable of deciding which
18 are the gross incomes because they are received by the
19 Corporations themselves?

20 A. Yes, the Corporation receive them
21 but the pilots receive their balance sheets, their
22 financial statements and they are informed just as well.

23 Q. Have the Corporations made any
24 objection to the amount of gross incomes from pilots
25 being disclosed to the public?

26 A. Well, when you mention the
27 Corporation do you mean the members of the Corporation?
28 Well, I think that the pilots and the public as such,
29 we are all reluctant to have incomes, of course, dis-
30 closed. I don't think there is any one of us here in this



1 French

2 audience who would be too pleased to see the list and
3 the details of his income published in the newspaper
4 or given to the public.

5 Q. Putting aside the gross income now,
6 did the Corporations and their members have the same
7 objection to having their net income disclosed to the
8 public?

9 A. I wouldn't be very happy or
10 very cheerful.

11 Q. In other words am I to understand
12 that the Corporations and their members would rather
13 that the question of the pilots' incomes be not
14 publicly debated or disclosed?

15 A. I sincerely believe so, but if
16 one has to submit figures to the public or for Parliament's
17 sake, in that case I think these figures should be
18 accurate figures, the figures accepted by the people
19 concerned as being accurate figures beforehand.

20 Q. When you mentioned the parties
21 concerned do you include the shipowners who pay, in
22 fact, the pilotage dues which are the basis of the
23 income of the pilots?

24 A. No, I am not including the ship-
25 owners within that group.

26 Q. In other words you say that the
27 shipowners haven't the right to know what the pilots
28 earn?

29 A. That isn't what I said.

30 Q. Well, I apologize if I misunderstood



1 French

2 you. According to you, and naturally I am asking you
3 this question as President of the Federation, do you
4 think that the shipowners have the right or not of
5 knowing what are the earnings of the pilots? Do you
6 think that they have the right or not or do you think
7 they should know or should not know what is their
8 earnings?

9 A. Well, the shipowners usually feel
10 that the pilots are their employees instead of being
11 kind of an associate who would render the pilotage
B2 12 services to the shipowners. They are not too much
13 concerned about the cost of pilotage in cents per ton.
14 The pilots' earnings give rise to a lot of attention,
15 the discussion has not been upon the costs of the
16 services of pilotage but upon the pilots' earnings.
17 It seems that the shipowners want to sort of have a
18 relationship of employer, employee with the pilot.

19 Q. Why do you tell us that according
20 to you the shipowners do not seem to be concerned with
21 the cost of this service?

22 A. Well, because in the course of
23 the discussions that we held with the shipowners
24 we were very seldom told about the expenses, cost of
25 the service. We had mentioned only that the earnings of
26 the pilots are too high.

27 Q. Is there a relationship between
28 both?

29 A. Yes, but why not say costs are
30 too high instead of saying the pilots are making too much



1 French
2 money.

3 Q. Am I to understand according to
4 what you tell me regarding the cost per ton so long as
5 this cost is not too high the pilots may charge anything?

6 A. Well, the pilot can't charge any-
7 thing he wishes. This was established through Order-
8 in-Council and generally the Minister is free to super-
9 vise and establish a certain limit in that tariff.

10 Q. You don't understand the full
11 purport of my question. The question that I was asking
12 was the following: Do you think so long as the cost
13 per ton is at a minimum then the pilots may charge on
14 the basis of a rate which may give him an extraordinary
15 income so long as the cost per ton remains at a low level?

16 A. Yes. It is the principle that
17 has been generally accepted by the shipowners. A
18 little while ago the freight might have been \$4 per
19 ton in order to carry or to send a full cargo on the
20 other side of the ocean, and at the present time the
21 pilots have the opportunity of enjoying an increase which
22 is not too high, but I don't think certain limitations
23 should be applied because the pilots are earning too
24 much money and increase their income.

25 Q. Do you accept the principle if
26 the freight rates were decreasing that the income of
27 pilots might decrease as a consequence of the theory
28 you have been developing now?

29 A. No, let us say we are like the
30 shipowners. We don't anticipate and we don't request



1 French

2 to have a decrease in the rates and the same thing
3 applies for the shipowners insofar as cargo is concerned.

4 Q. How do you explain, Mr. Bedard,
5 regarding the theory that you have just expounded that
6 despite the fluctuations of the freight rates which
7 are naturally based upon supply and demand, how do
8 you explain that the income of pilots as well as the
9 rates of the pilotage dues have always been increasing?

10 A. In the first place they haven't
11 always been increasing.

12 Q. Well, let us say during the past
13 five or six years.

14 A. Could you please repeat your
15 question once more?

16 Q. How do you explain regarding the
17 theory that you have just expounded that during the
18 past five or six years the income of pilots as well as
19 the rates have always been increasing despite the fact
20 that in the same period the freight rates have
21 themselves fluctuated?

22 A. Perhaps the income of pilots have
23 been increasing because of the increase of the pilotage
24 and the deeper draughts, and this is one of the causes
25 for the increase in the pilots' income, and I would
26 say the main cause of this increase.

27 Q. But you are going to admit that
28 the increase in rates have always had an important
29 part in it?

30 A. In certain Districts, yes.



1 French

2 Q. The increase in rates which has
3 been requested every year ever since the different
4 Corporations have been established?

5 A. No, not every year.

6 MR. LALONDE: I wouldn't like to start
7 an argument with my colleague here, but he stated that
8 the income of the pilots have been constantly increasing in
9 the past five or six years. I think the documents which
10 have been filed as evidence by the Department itself
11 indicate that that isn't the case. There was a time,
12 especially in 1959 -- the income has been higher than
13 it has been in subsequent years. There is a fluctuation.

14 MR. BRISSET: Q. Let us leave aside
15 this subject matter which is . . .

16 THE CHAIRMAN: There is another point
17 to be checked and I think we have the figures before
18 us to undertake that study, that is to find out if the
19 rates have increased in the same ratio as the increase
20 in the economy during the previous years. I don't
21 know if this was one of the causes for the increase,
22 but I think that we have in the exhibits filed the
23 necessary proof to undertake a computation about that.
24 Perhaps somebody will be interested in establishing
25 that because we are not making a mistake and we will have
26 to undertake this computation. It will be absolutely
27 necessary.

28 MR. BRISSET: Q. Mr. Bedard, I would
29 like to refer you to a telegram that you sent yourself
30 to the Minister and which is dated April 7th, 1962 and which



1 French

2 is part and parcel of the list of documents filed as
3 Exhibit 761. I would like to quote. The English text
4 is filed as well as the French text. We repeat we
5 are ready to negotiate with the shipowners at any
6 time in order to put an end rapidly to the existing
7 situation. We have been constantly available for four
8 days and we deplore that no other party has deemed
9 it necessary to consent to a meeting. The obstinate
10 attitude of the foreign shipowners seems to indicate
11 their intentions expressed in the past of destroying
12 the democratic association of pilots and their refusal
13 to reach any agreement whatsoever.

14 Mr. Bedard, this expression "democratic
15 association of pilots" is an expression which was
16 used often in the course of the years 1960 to 1962 in
17 the course of the dealings that the pilots had either
18 with the shipowners or with the Department. Is there
19 any reason for which you have deemed it necessary to
20 always press that expression of "democratic association"
21 in order to describe the organization we are talking
22 about?

23 A. There is a very good reason because
24 in the brief submitted by the Shipping Federation the
25 abolition of the Corporation of the Federation of the
26 St. Lawrence Pilots was asked for and the Courts were
27 being advised to take some measures in order to abolish
28 such organizations.

29 Q. Is there any reason for which also
30 since the year 1960, more or less specifically, in your



1 French

2 messages or in your propaganda, if I can use this
3 expression . . .

4 A. Well, the information service.

5 Q. The expression of foreign ship-
6 owners is always put forth.

7 A. I wouldn't say that. On certain
8 occasions this expression was used, but to say it was
9 used constantly, I wouldn't say so.

10 Q. Are we to understand that if I
11 suggest to you that this expression was used quite
12 often that your relationships with the lake shipowners
13 have always been good and you have no dispute with them
14 and that you grant them all their requests or vice-
15 versa?

16 A. There have been certain disputes
17 or certain misunderstandings.

18 Q. So you have some problems also with
19 the Canadian shipowners?

20 A. Yes.

21 Q. Do you think that within your
22 information service, the different message that you
23 have sent the Minister which at times gave rise to
24 certain discussions in the House of Commons this
25 reference to the foreign shipowners was such that it
26 would help the pilots in the course of their represent-
27 ations?

28 A. Well, I don't think so. I don't
29 think it might have helped the pilot. Perhaps some
30 people are referring to foreign shipowners will think



1 French

2 that they are truly foreign shipowners.

3 Q. I have before me Exhibit 766 which
4 is a composite of certain newspaper excerpts. I would
5 like to quote one in particular, one example in partic-
6 ular. This is an article that was published in the
7 newspaper Le Devoir dated May 11th, 1960 and I quote:

8 The President of the Federation
9 of the St. Lawrence Pilots, Mr. Paul
10 Bailey has stated in the first place
11 the Shipping Federation of Canada is,
12 despite its name composed of foreign
13 shipowners, especially British ship-
14 owners, but it is astonishing to see
15 this association say that it is concerned,
16 first and foremost in the interests
17 of the Canadian economy.

18 That was an excerpt. Now I go on to
19 an article which seems to have been published in the
20 Three Rivers newspaper, May 14th, 1960 and I quote:

21 The attacks which have been made
22 presently against the St. Lawrence
23 Pilots are not pertinent especially
24 when we think that they are made by
25 foreigners not satisfied to see that
26 this profession is entirely within the
27 hands of French-Canadians. One should
28 not be surprised if these attacks are
29 multiplied and if it finds ready ears
30 within a Government, the Federal Government



1 because generally we don't find our
2 French-Canadians hold important positions
3 within the Canadian economy, but we will
4 have to fight and save this small monopoly
5 which has been won by the competency
6 and devotion of our own French-Canadians.

7 MR. LALONDE: What newspaper was that,
8 Le Devoir?

9 MR. BRISSET: The Three Rivers
10 newspaper.

11 MR. LALONDE: Is that an editorial?

12 THE CHAIRMAN: I think it is the news-
13 paper from Three Rivers, Le Nouvelliste.

14 MR. LALONDE: Is that an editorial
15 article or what?

16
17 -----
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30



French

MR/RPS

1 It is not a statement from a spokesman
2 of the Federation.

3 MR. BRISSET: Well this doesn't seem to
4 be the case. It's restricted to the statement of the
5 representatives of the Federation or the Corporation.
6 Reference is made to that statement in the course of
7 the whole article. Perhaps it is an editorial.

8 Q. Mr. Bedard taking into account
9 the extract which has just been quoted from press
10 articles, did the Federation and the Corporation have,
11 in your opinion, better possibility to obtain their
12 claims and grievances, be given satisfaction to, rather
13 than the propaganda made in the sort of article like
14 the one I have just read out?

15 A. I don't think this has been
16 something done by pilots or shipowners. These problems
17 are internal problems. They have to be settled within
18 the Corporation and I don't think that their publication
19 will help find a solution.

20 Q. Am I to understand in the future
21 we will be able to feel that such propaganda will no
22 longer be used?

23 A. No, I can't see the usefulness of
24 this type of publicity. If we have a system within
25 which problems may be discussed from man to man, so to
26 speak, rather than having no grounds for agreement or
27 a meeting as was the case -- publicity and the propaganda
28 which was made either by the shipowners or by the pilots,
29 this propaganda was done at the eleventh hour, at the
30 last minute. Of course, it may have been more biased



1 French

2 than if it had been discussed clearly and reasonably
3 around a table. It's the same in the case of the
4 articles published by the Shipping Federation, the
5 half page advertisement showing the gross income of
6 the pilots. At first sight they gave the impression
7 to the public that pilots only worked a few hours a
8 week and received a lot of dollars. There again, of
9 course, that did not help our relationships.

10 Q. Mr. Bedard if I understand you
11 correctly, you don't mean to say that the shipowners
12 have resorted to that type of propaganda that is
13 exemplified in the abstract I have just quoted under the
14 terms no racial question was ever raised or questions
15 like those which were mentioned here?

16 A. Well there was the question of
17 Corporations which was publicly raised.

18 Q. There was also publication of what
19 was called, wrongly or rightly, the pilots' annual
20 income?

21 A. Yes. Some articles were published.
22 I have one with me which I may be able to table this
23 afternoon, after the presentation of your memorandum,
24 which appeared in a Kingston newspaper which is most
25 unfavourable to the pilots from all points of view and
26 it is, of course, of great prejudice.

27 Q. Is it not only the Federation of
28 Shipowners which was guilty of publishing or disclosing
29 gross income of the pilots, you may remember a speech
30 before the House in 1961, a speech by the Honourable



1 French

2 Balcer in Quebec?

3 A. I remember very well indeed.

4 Q. You had an opportunity to read
5 an abstract from The Soleil which is at page 190, volume
6 2 of the memorandum from the Federation of the Ship-
7 owners?

8 A. Yes.

9 Q. About this report, which was
10 called the drastic statement of Mr. Balcer. Does that
11 comply with what was said in his speech?

12 A. Yes. I think it was confirmed,
13 what he said publicly.

14 Q. If I understood correctly what
15 irritated first and foremost the pilots was that the
16 Minister gave figures concerning their income.

17 A. Inter alia, yes.

18 Q. And I have heard that the wives
19 of the pilots were present and that is what made them
20 so mad about having their income disclosed.

21 A. That is correct.

22 Q. One last question Mr. Bedard which
23 I would like to deal with, about the strike in 1962,
24 it's the charge which was laid against the Minister
25 and the Department to the effect that too much time
26 has been spent studying grievances from pilots and you
27 ask them to stop studying things and to think about
28 immediate steps and immediate actions to be taken.
29 You will remember probably, this appeared at page --
30 well I can't remember the page, but you mentioned it during



1 French

2 your evidence.

3 A. It is possible.

4 Q. In other words, if my memory serves
5 me right, you have underlined particularly before this
6 Commission that all questions were delayed days and
7 months and several times you asked for a final answer,
8 and the reply came back the question is under study.

9 A. That is so, yes. Questions have
10 been studied for a very long time.

11 Q. Would it be right to say as regards
12 the pilots, certain questions have been studied for a
13 very long time indeed?

14 A. That is correct.

15 Q. For instance, that question about
16 the proposal made by shipowners to set a minimum income
17 or a minimum salary and a maximum salary and to make
18 it possible for the shipowners to discuss and negotiate
19 a question of salaries, wages with the Minister so as
20 to have the necessary receipts to be able to pay the
21 pilots their income, in the case of a minimum and
22 maximum being applied.

23 A. This question has been studied
24 for a long time by the pilots and for even longer with
25 the shipowners. The shipowners have never presented
26 a concrete proposal in this respect. We have discussed
27 about the principle of the matter but no concrete
28 proposal has been made so far by the shipowners.

29 Q. You will remember that the ship-
30 owners and the Federation had sent out to the Minister



1 French

2 in December 1960 a memorandum?

3 A. Yes.

4 Q. This proposal was mentioned in this
5 memorandum?

6 A. Yes, that is correct.

7 I remember too that in April 1962 the shipowners said
8 that some concrete proposals would be made but a long
9 time elapsed between 1960 and 1962.

10 Q. You remember that in this memorandum
11 of July 12th 1962 the Federation of the St. Lawrence
12 Pilots mentioned this proposal?

13 A. Yes. The question was studied by
14 the Federation of Pilots. I have studied it personally.
15 We had quite an identical system.

16 Q. In this respect I would like to
17 refer you to the cable sent by your legal adviser to
18 the Minister, to the Transport Minister of April 6th
19 1962. In this telegram it was stated that:

20 I have received your letter.

21 However, no proposal ever made on behalf
22 of Montreal Harbour Pilots. Given to
23 understand by shipowners proposal made
24 by pilots implies freezing of tariff
25 for two years on acceptance of request and
26 on a study, an accurate and thorough
27 study by pilots, of system aiming at
28 stabilizing income of pilots. Such system
29 represents a deep change in principle of
30 operation as has existed on the St. Lawrence



1 French

2 for the last two centuries. Such
3 modification requires thorough study and
4 not arbitrary and hasty decisions which
5 would create more problems than would be
6 settled.

7 You have noted, Mr. Bedard, that your
8 legal adviser himself uses the word study repeatedly,
9 but in any case is it not true that this project
10 particularly was already under study or already had
11 been under study for two years?

12 A. Yes, by pilots and by shipowners
13 at that time. Neither the pilots nor shipowners were
14 ready to make a concrete proposal on that subject.

15 Q. You say that the shipowners were
16 not ready to make concrete proposals. I would like
17 to draw your attention to a letter from the Minister
18 to your legal adviser dated March 14th 1963 where it
19 is stated:

English 20 "I would again like to bring to
21 "the attention of all the pilots our
22 "proposal that a target income be set
23 "up in each District in conjunction with
24 "agreed upon upper and lower levels of
25 "income. The application of such a concept
26 "would assure the pilots of a minimum
27 "income irrespective of any slump that
28 "may occur in shipping; would enable
29 "them to enjoy, within certain limits,
30 "the fluctuations in yield provided by the



1 English

2 "tariff and, finally, would protect the
3 "shipowner against excessive costs.
4 "Our feeling is that all concerned would
5 "be better off if income could be stabil-
6 "ized in this way because the pilots would
7 "then have protection in case of a
8 "drastic fall-off in shipping traffic and
9 "the shipowner would be in a position
10 "to forecast his costs with reasonable
11 "accuracy. Under this concept the
12 "pilots, having agreed with the ship-
13 "owners and the Department upon the
14 "target income in any District would in
15 "their tariff discussions with the Depart-
16 "ment concern themselves only with the
17 "problem of setting a tariff rate which
18 "would achieve the agreed upon target
19 "income."

French 20 (THROUGH THE INTERPRETER.)

21 Regarding this excerpt I have
22 just quoted from the letter of the Minister, don't
23 you think that the proposal in here, I am referring
24 to the words used by the Minister:

25 "I would again like to bring
26 "your attention . . ."

27 Is it not a fact that the proposal was
28 made in a concrete enough manner in order to allow
29 you to make a decision?

30 A. No, because in the first place mention



1 French

2 is made of guaranteed minimum of income to the pilots.

3 A minimum would be guaranteed if there was a decrease

4 in the shipping traffic. Certain X number of income

5 would be guaranteed to the pilot and we were wondering

6 who was to make such a guarantee. Would the Canadian

7 state be justified in guaranteeing such an amount or

8 would the shipowners be in a better position to do so?

9 And we were not told how such a guarantee would be

10 brought about.

11 Regarding figures of maximum and minimum
12 and figures have not been made either.

13 Q. If the Minister made you such
14 a proposal as a guarantee don't you think that this
15 was enough? You had the guarantee of the Government?

16 A. Well we never received a guarantee
17 on the part of the Government or the shipowners. The
18 simple fact of discussing something is not a concrete
19 guarantee.

20 Q. If you are being guaranteed, and
21 I am talking here about the Minister, if you are
22 guaranteed a minimum income how do you conceive that
23 such a guarantee should be given to you in order to
24 satisfy you? Do you think a deposit would have to be
25 made in the bank?

26 A. Yes. I think in this way you
27 guarantee something, if there are sufficient funds in
28 order to guarantee that, well it would be done in the
29 bank.

30 Q. So the Government would have sufficient



1 French

2 funds in order to guarantee such amount to the pilots?

3 A. Well if a Minister was to guarantee
4 a net income to the pilots of \$20,000, well let us say
5 they have decided to accept such a principle, then you
6 have a decrease in the shipping traffic and there are
7 only 25 per cent of the vessels going upstream on the
8 River, while the Government is guaranteeing an amount,
9 a full amount for doing one-quarter of the work, so this
10 is not logical. Then people would wonder how come
11 some people are being paid fabulous salaries for doing
12 nothing.

13 Q. What gives rise to certain difficulties
14 with pilots is this question of guarantee. Do you think
15 that if this question was settled, do you think that
16 the concept mentioned in the Minister's letter would
17 be accepted?

18 A. Well we have studied that system.
19 We have studied the one existing in England which is
20 more or less identical and which was published by Sir
21 Robert Letch and we found deficiencies in such a system.
22 At a given point we are going to settle financial
23 problems. Perhaps these problems will be settled but
24 what happens at the time the problem has to do with
25 the hours of work or with the fringe benefits?

26 Q. Is it not a fact Mr. Bedard that
27 what has always given difficulties to the pilots, and
28 for a good many number of years, and this is that in
29 the exercise of their duties there was a certain percentage
30 of insecurity?



1 French

2 A. There is a certain percentage of
3 insecurity. I would not say that this has given a
4 great deal of concern to the pilots.

5 Q. You told us that this has not
6 concerned pilots a great deal but was not this mentioned
7 on many occasions in the course of your meetings?
8 For example what does the future hold for us?

9 A Well everybody is ready to work
10 for a better future. Everybody is concerned with the
11 future.

12 Q. Don't you think that it would be
13 a step forward to grant to pilots a certain income
14 or benefit security?

15 A. Yes. If the minimum is guaranteed,
16 if somebody is ready to guarantee a minimum it would be
17 illogical to refuse such a minimum. Do you think such
18 a guarantee could be made? Are the means necessary
19 to do so in existence? Would it be worthwhile then
20 to give guarantees if minimum wage is going to be given
21 to people who are not working?

22 Q. The last question Mr. Bedard,
23 and it has to do with the letter which was sent by your
24 legal adviser on March 6th 1962 to the Honourable
25 Minister of Transport, letter filed in a bundle with
26 other letters as Exhibit 761 and the following is
27 stated:

28 "We have to deplore the fact
29 "that your representatives have opposed
30 "a common fund by the shipowners in order



1 French

2 "to adopt an entirely arbitrary and
3 "negative attitude regarding all our
4 "main requests. In fact, we were not
5 "expecting categorical refusal to
6 "examine the different requests that
7 "we have made stating that so long as
8 "we won't agree to a certain type of
9 "fixed salary, no consideration would be
10 "given to any request whatsoever regarding
11 "an adjustment in rates. However, there
12 "are many cases where at the present
13 "time in full justice, modification or
14 "alterations in the rates would be
15 "necessary. We must deplore this
16 "recourse to blackmail in the previous
17 "agreement between the D.O.T. and the
18 "shipowners even before the shipowners --
19 "the pilots have heard about it and
20 "given their own position."

21 Mr. Bedard if you recall the events that
22 took place at the time, how would there be any
23 justification in saying that the Minister has used
24 blackmail vis a vis the pilots?

25 A. He has accepted the principle
26 that there would be a revision in rates if the pilots
27 accepted this principle of maximum and minimum in the
28 establishment of a ceiling in the income. ~~Accept~~
29 this and you will get that. This was in collusion
30 with shipowners.



1 French

2 Q. Whereas, the pilots said give us
3 the increase we are asking for and we won't make any
4 further request within the next two years. If we don't
5 get what we ask for, we are going to go on strike.

6 A. I don't think that the shipowners
7 were supporting us with the Government.

8 Q. Do you think that this expression
9 of recourse to blackmail was a diplomatic type of
10 expression?

11 A. Well it was a truthful expression.

12 Q. You don't mean that when the
13 Minister or the shipowners impose certain conditions
14 in the negotiations having to do with the rates on their
15 part, it is blackmail?

16 A. Not necessarily so.

17 Q. That is all.

18 THE CHAIRMAN: I suppose there will be
19 a few questions that may be put as cross-examination
20 so we are going to have a short recess.

21
22 ---A SHORT RECESS.

23
24 ---FOLLOWING THE SHORT RECESS:

25
26 CROSS-EXAMINATION BY MR. JACQUES:

27 Q. Mr. Bedard you have told us that
28 the idea about this stoppage of work had originated
29 within each of the Corporations as distinct from the
30 Federation. Is that correct?



1 French

2 A. Yes, that is correct.

3 Q. Upon this stoppage of work did
4 you have any duties within the Corporation of the
5 Lower St. Lawrence Pilots?

6 A. No.

7 Q. To the best of your knowledge from
8 what Corporation did the idea about the stoppage of work
9 come from first?

10 A. The Corporation of the Mid-St.
11 Lawrence Pilots. Well this is where the first decision
12 was made concerning this stoppage of work.

13 Q. Do you know if at that time certain
14 communications were established between the Corporation
15 of the Mid-St. Lawrence Pilots and the other Corporations
16 regarding this stoppage of work?

17 A. Without going to the Federation
18 you mean? Well not to my knowledge.

19 Q. Were the communications made through
20 the Federation?

21 A. Yes. Well at the Board of Directors
22 of the Federation this question was discussed and as
23 the decision was made within one or two or three
24 Corporations.

25 Q. Now how was the Corporation advised
26 about the idea of a stoppage of work?

27 A. Only by the representatives of the
28 member Corporations within the Board of Directors of
29 the Federation.

30 Q. And who chose the dates for the



1 French

2 local meetings?

3 A. The Corporations themselves chose
4 their dates.

5 Q. Did the Federation recommend
6 that these meetings be held on the same date?

7 A. Well this was certainly discussed
8 within the Board of Directors. I remember that.

9 Q. Of the Federation?

10 A. The Board of Directors of the
11 Federation.

12 Q. When it was proposed a minimum
13 and maximum guaranteed income, did you ask the D.O.T.
14 how such amounts would be guaranteed to you?

15 A. No, I don't think so.

16 Q. When this proposal was made,
17 did you ask for any additional information from the
18 D.O.T.?

19 A. Yes. We had discussions, for
20 example, about the workload, whatever workload would
21 be and at that time we were not in a position to give
22 exactly the equivalent of the workload.

23 Q. How do you mean?

24 A. Well the Government or the D.O.T.
25 could not say regarding the workload with the adoption
26 of this principle.

27 Q. Was this the only aspect of that
28 system that would have been discussed?

29 A. Well it has been discussed -- well
30 discussion -- it was talked about. It was not fully



1 French

2 discussed because there was no concrete proposal about
3 it.

4 Q. And the pilots were expecting
5 a concrete proposal?

6 A. Yes.

7 Q. That is all thank you.

8
9 RE-DIRECT EXAMINATION BY MR. LALONDE:

10
11 Q. Mr. Bedard I think that at the
12 beginning of your evidence you answered a question of
13 my colleague, Mr. Brisset, stating that the council
14 of the Federation represents only 12 members.
15 I believe there was a kind of a lapse at that time.
16 I believe I took your answer down correctly. Could
17 you please tell us if in fact the Board of Directors
18 of the Federation represents only 12 members?

19 A. Perhaps I did not express myself
20 correctly. I only said that the Board of Directors
21 was composed of 12 members. I am sorry Mr. Lalonde
22 there are only 10 members within the Board of Directors
23 and with the President well it makes us a total of
24 11 members of the Board of Directors.

25 Q. At the meeting between the pilots,
26 the shipowners and the representatives of the D.O.T.,
27 in the course of the winter 1962, did the shipowners
28 on that occasion make any concessions whatsoever regard-
29 ing the request of the pilots?

30 A. None whatsoever.



1 French

2 Q. In the second place have you received
3 any information to the effect that the representatives
4 of the D.O.T. had had a meeting with the shipowners
5 on the eve of the meeting with the pilots?

6 A What occasion do you mean?

7 Q. Well this winter meeting of 1962?

8 A. No.

9 Q. My colleague referred to a tele-
10 gram in which the Minister stated that he had increased
11 the number of pilots, the telegram which was dated
12 April 6th. That is after the beginning of the stoppage
13 of work -- before the beginning of the stoppage of
14 work. Had you ever heard such a request had been
15 accepted?

16 A. No.

17 Q. You recall that amongst the
18 events which occurred in April 1962 the D.O.T. accepted
19 a new formula for the computation regarding authorized
20 absences of work in order to reach this effective
21 number of pilots. To your knowledge did the D.O.T.
C3 22 respect the agreements which had been taken subsequent
23 to April 1962?

24 A. No, not at all. We went on as
25 we did in the past and we did not put into practice
26 this new agreement put forth by the Minister.

27 Q. This item, for the record purpose,
28 is shown in Exhibit 761, letter of the Minister, the
29 Honourable Leon Balcer, dated April 13th 1962 sent to
30 me and this item is the first item in this letter.



1 French

2 At the meeting with the shipowners was there any mention
3 made about the fact that the shipowners were complaining
4 that the cost of pilotage seriously influenced upon their
5 own operation?

6 A. Well the expensive aspect of it
7 was mentioned but no mention was made concerning the
8 influence of such costliness upon the operation.

9 Q. Did the shipowners at the meeting
10 with the D.O.T. file any figures or documentation in
11 support of such an assertion?

12 A. No, never.

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PB/RPS 1 French

2 Q. The brief of the Canadian Shipping
3 Federation filed a booklet published by the Shipping
4 Federation of Canada in the course of the year 1960.
5 Prior to that date did the Federation of Pilots publish
6 any similar document on behalf of the St. Lawrence
7 Pilots?

8 A. No.

9 Q. To your knowledge was this
10 document widely distributed?

11 A. Yes.

12 Q. How did you hear about this
13 document?

14 A. It was distributed on board ships.
15 Several masters discussed this document with pilots.
16 It was distributed also to various members in Parliament,
17 maybe to all members of Parliament, but I don't know,
18 and various excerpts were published in newspapers as
19 well.

20 Q. You have witnessed for quite a
21 long time about the minimum and maximum income of pilots.
22 You have also told my colleague, Mr. Jacques, that
23 concrete proposals on the basis of workload hadn't
24 been made. Was there any concrete proposal made on
25 the basis of specific income?

26 A. No, it was never done.

27 Q. I note that in his letter dated
28 April 6th, 1962, part of Exhibit 761, the Minister
29 declared at the end of the letter that the shipowners
30 were ready to contemplate putting to the test their



1 French

2 system of accounts the maximum and minimum income, and
3 I quote the letter from the Minister:

4 However I pointed out to the
5 Federation that to be quite fair with
6 the pilots I think this question should
7 be settled as soon as possible. For
8 their part the shipowners' federation
9 feels that within a month they should
10 be in a position to set up a detailed
11 system which could be studied by the
12 pilots of the Montreal Harbour.

13 This testing, of course, of a system
14 would be done by the pilots from the
15 Montreal Harbour.

16 Have you been informed about the proposal
17 in the letter dated April 6th, 1962?

18 A. Yes.

19 Q. Subsequently after the strike
20 were there any concrete proposals made in this respect?

21 A. Not to my knowledge.

22 Q. You said that you had the opportunity
23 of studying this system which has been used in England.
24 First of all I note that your memorandum elaborates
25 at length on this point. I would like to ask you to
26 sum up briefly your objections against such a system
27 following the study you have made of this problem? What
28 would you say?

29 A. The system was accepted by the
30 pilots in Great Britain. It has been for the last four



1 French

2 or five years, and now instead of discussing about the
3 income of pilots the emphasis was shifted to the
4 rest of the work, to the premium benefits, fringe
5 benefits and so on and so forth. Automatically the
6 tariff is altered to give minimum income to the pilot.
7 When they go under the minimum which has been set the
8 fees are increased. When on the contrary it is too
9 high it is diminished. The income of the pilots were
10 based on the income of the first mates on board ships,
11 cruisers. This was one of the causes of the acceptance
12 of the pilots because the income of the officers seemed
13 to be quite low and it was felt that an increase would
14 come.

15 There was an increase during the first
16 year or second year and the officers haven't had an
17 increase in salaries as such but they have had an increase
18 in the pension funds and their surplus benefits and
19 so on and so forth. This wasn't expected. The income
20 of pilots in Great Britain became, so to speak, frozen.
21 There is a compensation. This, of course, motivated
22 the discussion, not about the income but about the
23 actual workload of the pilots. Firstly I don't see
24 such a system should be established in this country.

English

25 COMMISSIONER SMITH: Before you explain
26 I want to get something clear in my mind. Did
27 these regulations in this formula, this policy that you
28 speak of, did this follow the Rochdale Committee Report?

29 THE WITNESS: No, there was a report,
30 the Sir Robert Letch Report. It was on the Letch Report.



1 French (THROUGH THE INTERPRETER.)

2 The pilot is a free adviser according
3 to his working and according to the income. He is
4 a free contractor.

5 MR. LALONDE: Q. I would like to draw
6 your attention to paragraph 566 and following. You
7 will note that when you declare that the income of
8 the pilots had been set according to the mates, did
9 you say proportionally?

10 A. Yes, the income was established
11 to the pilots and when there was an increase by 5 per
12 cent for the mates the pilots, of course, could
13 expect an increase which would end up in a 5 per cent
14 increase in the income.

15 Q. If I understand correctly,
16 therefore, the income of the pilots is not necessarily
17 the same as that of the mate on board a ship?

18 A. No, but it was proportional.

19 Q. It is stated:

20 "The pilots and the shipowners have
21 "by common agreement fixed a certain revenue
22 "as an objective and it was provided
23 "that any increase in the salary
24 "accorded to navigating officers would
25 "result in a proportional increase in
26 "the revenues fixed as an objective."

27 Is that correct?

28 A. It is. The income of the pilots
29 is considered as being a fixed one, but there are also
30 certain pilots who do docking and it is a special thing



1 French

2 when they do docking.

3 Q. Were you in a position to appreciate
4 the increase in the salary of the pilots since the
5 implementation of this system in Great Britain, paragraph
6 569?

7 A. 30 per cent.

8 Q. That is what it says in paragraph
9 569 where it is stated that it increased by about 30
10 per cent since the implementation of this system.

11 A. Yes.

12 Q. Is that correct?

13 A. Yes, it is.

14 Q. In your opinion what would be the
15 effect of the implementation of this proposal as
16 regards the efficiency of the service?

17 A. I think I have said before it took
18 some of the incentive from the work of the pilots. I
19 don't see how it could improve the service as a whole.

20 Q. I have finished my re-examination
21 of the witness. I could now start on the study of the
22 general recommendations which appear in the memorandum
23 from the Federation.

24 THE CHAIRMAN: Are there any other
25 questions before we pass on to this other subject in
26 the scope of our inquiry?

27
28 RE-CROSS-EXAMINATION BY MR. BRISSET:

29 Q. One question, Mr. Bedard: You have
30 compared the proposal made by the shipowners with the



1 French

2 system established in the Letch Report. Did you notice
3 that unlike the British system the proposal of the
4 Canadian shipowners provides that every year the income
5 or the revenue of the pilot in the framework of the
6 maximum or minimum would be negotiated? It wouldn't
7 pass automatically on what could be the increase or the
8 decrease in the income of any category?

9 A. Yes, but the question is still
10 open to higher income. I don't think that would solve
11 the problems. The question was to raise or lower the
12 tariff every year, but here we adopt the minimum or
13 maximum, but it remains open so we could rediscuss
14 about tariff. The shipowners don't want to discuss about
15 tariff anymore. They want to discuss about income of
16 the pilots.

17 Q. Each year during the winter season,
18 for instance, there would be a meeting between the
19 representatives of the pilots and the representatives
20 of the shipowners and discussion will take place and
21 if possible agreement will be reached on what will be
22 done the following year, the income within the
23 framework of the maximum and minimum.

24 A. I don't understand because you
25 tell us this is the proposal made by the shipowners.

26 Q. On that basis let us assume that
27 each year before the beginning of the navigation season
28 that there be a meeting between the shipowners and
29 pilots and that there, based upon the experience of
30 the preceding year the income, the minimum and the maximum



1 French

2 would be discussed, the income of the pilots for that
3 year. On that basis do you think that the proposed
4 system would be superior to the one followed in Great
5 Britain where the variation depends upon a factor which
6 is not a negotiable factor?

7 A. Perhaps it would be superior to
8 that existing in England, but it is still in theory --
9 it is the one in existence at the present time.

10 Q. In the present system, according
11 to the present system the negotiations have to do with
12 the increase in rates asked for by pilots every year.

13 A. Yes, the pilots studied proposals
14 in the course of negotiations and usually the
15 shipowners reject them without even pondering them.

16
17 RE-CROSS-EXAMINATION BY MR. JACQUES:

18
19 Q. Mr. Bedard, you have told us that the
20 pilots wish to discuss only about the pilot income?

21 A. Yes, based on the rates.

22 Q. The shipowners wish to discuss
23 the pilot's income and not the rates?

24 A. Yes, the shipowners want to establish
25 such income for the pilot.

26 Q. Don't you think that this attitude
27 results from the attitude taken by the pilots in the
28 past in negotiations regarding the increase in the
29 rates?

30 A. I don't understand your question.



1 French

2 Q. Did the pilots in the past not
3 negotiate increases in rates with the shipowners by
4 submitting to the shipowners that their individual and
5 personal income was not sufficient and that an increase
6 in tariff was justified?

7 A. That may be the case. Naturally
8 if the pilots go at this meeting in order to ask for
9 an increase in rates the first thing that is asked
10 by the shipowners is what kind of income will you be
11 receiving from this. The pilots don't go to ask for
12 a certain increase in their income, in order to have
13 an increase of income of about \$1,000, but the shipowners
14 are more attentive to this argument than the cost of
15 the service of pilotage itself.

16
17 FURTHER RE-DIRECT EXAMINATION BY MR. LALONDE:

18
19 Q. Mr. Bedard, were there ever any
20 discussion in order to establish your maximum or minimum
21 benefit margin for the shipping association?

D2 22 A. Well, not to my knowledge.

23 Q. Mr. Bedard, I would like to
24 take you to the brief submitted by the Federation of
25 St. Lawrence Pilots. Before passing to the study of the
26 general recommendations I would like to ask you a
27 number of questions regarding the text of the brief.
28 These questions explain certain points that need
29 clarification before the Commission. I would like to
30 refer you in the first place to paragraph four of the



1 French

2 brief of the Federation in which you discuss the method
3 that followed upon the adoption of the recommendations
4 made by the Federation. You state that there was
5 also discussion at the General Convention of January,
6 1963 and then that a detailed study was made by
7 different groups and finally there was approval of the
8 delegate members of the Federation in the general
9 meeting in Three Rivers of December 4th, 1963.

10 A. That is correct.

11 Q. Were you in attendance at all
12 these meetings?

13 A. Yes.

14 Q. To your knowledge was each of
15 the recommendations contained in the brief submitted
16 to the Board of Directors of the member groups as
17 well as to the general meeting of the delegate members?

18 A. That is correct. I accompanied
19 the legal adviser at meetings with each Board of Directors
20 of member Corporations where we talked about the draft
21 recommendations. The draft of this project was
22 discussed with the members of the different Boards,
23 even amended in certain place and finally we reached
24 the final draft which has been submitted to the member
25 delegates and which has been discussed and even
26 slightly amended and adopted by the member delegates.

27 Q. In paragraph 6 you stated that
28 even in 1959 the pilots had studied the opportunity
29 of establishing a Commission of Inquiry of Pilotage.
30 Were you aware of such a suggestion on the part of pilots



1 French

2 at that time?

3 A. Well, I read the report about that
4 in the newspapers. I didn't have any direct personal
5 information about it, but I remember the newspaper
6 article in which it was mentioned that the pilots had
7 recommended that a Royal Commission of Inquiry be
8 established in order to study this Bill S-3.

9 Q. Paragraph 13 of the brief states
10 that the Federation sent two delegates abroad in order
11 to study pilotage. Could you please tell us who
12 these delegates were and what countries were visited
13 and what was the method followed in order to obtain
14 information?

15 A. In the first place I must say
16 that the proposal in order to send a pilot and a legal
17 adviser on a trip was made at the General Convention
18 last year, the meeting of the delegate members, and
19 this proposal was adopted unanimously. Mr. Lalonde
20 and myself left for six weeks in Europe.

21 Q. I am sorry to interrupt. You say
22 that it was submitted to the meeting of the member
23 delegates and prior to that you said it had been
24 submitted to the General Convention?

25 A. It has been to the member delegates
26 during the Convention. They we left for a six week
27 trip last winter and we have, in each country we
28 visited we met the pilotage authority which, generally
29 speaking was the government, a representative of the
30 government and the pilots themselves. We visited France.



1 French

2 In Paris we got the government information. We had
3 a meeting with the pilots, Le Federation des Pilotes
4 Maritimes de France. In each country we studied the
5 pilotage district. In France it was Le Seine, from
6 Rouen to La Havre.

7 Q. Did you also study the pilotage
8 district or only La Seine?

9 A. Le Havre and Le Seine to Rouen.
10 In England we met representatives of the Department
11 of Transport and in London we met with representatives
12 of Trinity House, representatives of the Union of
13 General Transport Workers, the union which represents
14 about half of the pilots of Great Britain. Later on
15 we met the gentleman who was in charge of the United
16 Kingdom Pilot Association, which represents the other
17 half of the pilots in Great Britain. We also went in
18 the field in order to study in full the experience and
19 we met with the pilots. We met the pilots of Southampton,
20 those of Liverpool, of Manchester as well as those of
21 Glasgow. Then we visited Holland. We had a meeting
22 with the pilots and the government representatives and
23 the same thing occurred in Belgium. We had meetings
24 once more with the pilots and the government representative
25 and so on.

26 In Denmark, in Sweden, in Germany and
27 as far as the Suez Canal -- we went to Ismalia which
28 is the central control point and had long discussions
29 with the authority which is a company independent from
30 government, then Italy and then we came back to France



1 French

2 for a last discussion with the representatives of the
3 government and the pilots.

4 Q. You didn't mention Norway in the
5 countries you visited.

6 A. Yes, we went to Norway. At the
7 meetings we followed a certain procedure. Before
8 leaving Canada with the help of the Board of Directors
9 we prepared a series of questions which we wanted to
10 see answered. When we went to meet with these represent-
11 atives we asked the questions and we wrote down the
12 answers made to such questions and during the evening
13 we taped our notes and these notes were sent to
14 Canada and a secretary was typing the message. I have
15 a copy of that here, a copy of these notes and with
16 the authorization of his lordship I would like to
17 refer to these notes once and a while in the course of
18 my evidence.

19 THE CHAIRMAN: No objection, I think.
20 These are the witness' notes and consequently he has
21 a right to use them.

22 MR. LALONDE: Q. I also notice that
23 you went to the United States. Could you please describe
24 your activities in the United States regarding meetings?

25 A. Well, our meetings in the United
26 States took place in Washington and New York. We
27 restricted our study to the system in the eastern coast
28 and not the Great Lakes' system. In Washington we met
29 representatives of pilots as well as the Secretary of
30 the Panama Company who gave us information governing the



1 French

2 pilotage system of the Panama Canal.

3 In New York we met the President of the
4 Pilotage Association for New York Harbour and for the
5 States of New York and New Jersey.

6 Q. Did you also have an opportunity
7 of meeting in Washington the administrator of pilotage
8 for the Great Lakes area?

9 A. Yes.

English 10 COMMISSIONER SMITH: I would like to ask
11 the witness a question here. You mentioned when you
12 were in London you visited Trinity House.

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1 English

2 My question is: in your contacts there
3 or elsewhere did you have any chance to interview the
4 shipping industry, apart from the pilotage aspect of
5 it?

6 THE WITNESS: No. We limited our
7 research and interviews with the governmental authorities
8 and the pilots.

9 COMMISSIONER SMITH: Thank you.

10 THE WITNESS: The one occasion where
11 we met with people that are maybe closely related with
12 the shipping industry were some people in Lloyd's
13 of London when we asked various questions about insur-
14 ance for shipping, for instance.

15 MR. LALONDE: Q. In your contacts with
16 the Trinity House representatives in Southampton, did
17 you have an opportunity of meeting representatives of
18 shipping industry on that occasion?

19 THE WITNESS: Yes. I am sorry. I have
20 forgotten this. In Southampton we met with the
21 Board of Commissioners of Southampton. Representatives
22 of the shipping industry are on this Board.

French 23 Q. Mr. Bedard I would like to refer
24 you to page 23 in the French text where there appears
25 a table called the pilotage rates at different periods
26 between 1788 and 1956 for the District of Quebec and
27 Below. Would you like to make certain comments about
28 this table? Page 22 in the English text.

29 A. Yes, I would like to say that
30 this table was not prepared by myself, but another



1 French

2 witness may give a thorough answer about this
3 preparation. Myself, as far as I am concerned, I have
4 seen that there was a mistake in this table, in the
5 year 1930 in this District, the Lower St. Lawrence
6 District there was a decrease in the percentage of
7 tariff.

8 THE CHAIRMAN: We go from 1882 to 1947
9 on page 23 so there is something missing.

10 THE WITNESS: On April 15th 1932 there
11 was a decrease of five per cent. Unfortunately I do
12 not have the number. On April 24th 1933, No. 777,
13 there was a decrease at the time of seven per cent.
14 On May 8th 1934 there was a decrease by seven per cent.
15 April 23rd 1935 there was decided to have a decrease
16 by four per cent and on April 9th 1936 a decrease by
17 four per cent order 901.

18 On March 30th 1937 order 139, decrease
19 by four per cent. I have made some calculations which
20 appears to be rather interesting.

21 I took a boat with a draught of 30 feet,
22 with a net tonnage of four thousand tons and I had
23 this boat sailing on the St. Lawrence in the winter,
24 that is after November 20th and for the sake of
25 calculation I took the 20th of November 1872. At that
26 time the tariff was calculated up to \$151.80; whereas,
27 in April 1947, for the same boat, of the same draught
28 and same tonnage, the tariff would be \$235.50 and on
29 the 21st of November 1952, the same boat would have
30 brought back \$176 and in 1963, the 21st of November,



1 French

2 \$196. It is interesting to note that the principle
3 of the higher tariff for winter shipping has been
4 recognized since 1812. You could see that the tariff
5 is higher for that period and this was applied into 1952.

6 In 1952 we have a uniform tariff applied
7 for the whole season and we have the new winter tariff
8 which was up to \$100 for the second pilot.

9 Q. You take an imaginary boat as from
10 1872 -- were there ships at that time which had such
11 a draught?

12 A. Yes, they existed. A few only,
13 but they existed. They sailed up the St. Lawrence,
14 up to Quebec at that time.

15 Q. Your lordship I would like to
16 draw the attention of the Commission to paragraph 117 ,
17 the French text, at the end of paragraph 117 there is
18 no exact reference to a quotation, but the quotation
19 appears at the end, the bottom of the page. It is the
20 footnote 1. It is an excerpt from the report of the
21 Royal Commission on Coastal Trade. Page 44 on the
22 English text.

23 THE CHAIRMAN: Page 44 in the English
24 text.

25 Q. Page 45, with note 3. This
26 reference, No. 3, which appears on page 45 should not
27 appear there, at the bottom of page 45. You see the
28 report from the Royal Commission on Coastal Trade in
29 a footnote. Now I would like to draw attention to para-
30 graph 167. This paragraph comes after an analysis of the



1 French

2 weekly hours of work on the basis of statistics compiled
3 by various boats for the season 1962 and in paragraph
4 166, page 63 of the English text:

5 "However, it seems necessary, in
6 "order to render justice to the pilotage
7 "profession, to compute the
8 "hours of work of its members not only
9 "as the time of the effective trip but
10 "the entire time required between the
11 "departure from his domicile and
12 "his return to it, for each trip."

13 Paragraph 167:

14 "This method of calculation is
15 "used in several foreign countries,
16 "notably Belgium, Holland and Sweden."

17 Did you have the opportunity of studying
18 these particular cases?

19 A. Yes, I have as regards Belgium,
20 Holland and Germany. Not Sweden, but Germany.

21 Q. Before we go on, we should replace
22 the word "Sweden" by the word Germany. Could you explain
23 how these calculations took place?

24 A. Yes, but before I do so I would
25 like to say that the principle of the Corporation may
26 be useful for certain data but you must not forget
27 that the pilot is there to render a service. It is
28 a real service. Whether there is a calculation made
29 in those countries to calculate the hours of work of
30 the pilots, one has always to consider the departure



1 French

2 time from the domicile to the return to the domicile.

3 THE CHAIRMAN: Which domicile? The
4 domicile of the pilot or the pilotage office?

5 THE WITNESS: Well this may vary. We
6 took the case of Holland, for instance, where the pilot
7 has half an hour allotted to him before he leaves his
8 domicile. For instance, if he has to leave at twelve
9 p.m., his departure time would be considered as being
10 11:30 and all the time which will run between the time
11 when he leaves his domicile to the pilotage station,
12 in the pilotage up to the other station, and so on and
13 so forth, the waiting time at the other station, the
14 return time back to the domicile either by boat or by
15 ground transportation up to the pilotage station is
16 being considered as being effective hours of work and
17 again, another half an hour to return to his domicile.

18 THE CHAIRMAN: From his real domicile
19 to the station of pilotage there is an amount of time
20 which is the same for pilots, which is half an hour?

21 THE WITNESS: When he comes back, when
22 he comes back, he returns to the station and you are
23 at the station in half an hour, you will be considered
24 as not working anymore.

25 THE CHAIRMAN: Yes, but he has got half
26 an hour at the station?

27 THE WITNESS: It is not the same thing.
28 At the beginning, when he leaves, because this is a sort
29 of a waiting time at home. This is half an hour before
30 he leaves his house.



1 French

2 THE CHAIRMAN: What I would like to know
3 is if the pilot lives just next door to the pilotage
4 station, or three miles away, will he be given the same
5 amount of time before he leaves?

6 THE WITNESS: The Dutch system is
7 extremely complicated. It's a civil service system
8 and they have made up to two hundred calculations to
9 calculate the sort of return time, but it's extremely
10 complicated.

11 THE CHAIRMAN: Therefore, it's the
12 effective domicile which they have found out at the
13 end of these studies.

14 THE WITNESS: This time calculated amounts
15 to 45 hours of work per week. This is the basis of
16 the calculation. The target of the pilots in that
17 country is to have two hours before leaving the domicile.
18 That is the time at which they are not free and the
19 number of hours work should be reduced to 37.5 hours,
20 according to the request. They no longer discuss in
21 terms of salary, but in terms of hours of work.

22 In Germany the same method is applied
23 to calculate the hours employed in work, but the
24 proportion of the waiting time, outside of the domicile, that
25 is at the other station is not calculated on a hundred
26 per cent basis. We don't know whether it's seventy
27 per cent or sixty per cent. These figures have not
28 been given to us.

29 Q. In Germany have you also counted
30 the absences from one end of the trip to the other end



1 French

2 of the trip as being part of the hours of work?

3 A That is the case absolutely.

4 Q. Is the situation similar in
5 Belgium? Is it similar to what takes place in Holland
6 or in Germany?

7 A. In Holland this is a civil
8 service system. In Belgium, in Germany they are pilots
9 from free enterprise. Belgium also applies the same
10 system, that is the time effectively devoted to pilot-
11 age which is calculated from the time of departure
12 from the domicile until the return time to the
13 station. Panama also applies the same system for the
14 purpose of calculation of hours of work outside of
15 one's residence. In many of these cases the pilotage
16 is a one-way type of pilotage.

17 Q. You say that in many of these
18 cases there is one-way type of pilotage. Do you have
19 any particular cases where the pilotage is only one-
20 way?

21 A. In Holland the pilotage is one-
22 way. The distances are short. What happens is that
23 the pilot leaves from his home goes on board a vessel
24 in the harbour, goes downstream to the ocean and then
25 gets back by land and his colleague leaves home and
26 goes and gets the vessel at the other end of the station.

27 Q. In Panama what is the type of
28 navigation or pilotage? One-way or both ways?

29 A. I think it is one-way but I am
30 going to check that. The time of work of pilots in



1 French

2 Panama is calculated starting at the hour at which the
3 pilot is called to duty and up to the time he gets
4 back home. The travelling to get back to his port of
5 call is an hour and a half.

6 THE CHAIRMAN: Does he have to report
7 when he gets back home at the pilotage office because
8 the one day it may take him half an hour and the
9 next day, because of traffic, may take him an hour
10 and a half?

11 THE WITNESS: Regarding Panama I could
12 not tell you because I have no information about that.
13 In Belgium he has to report to the pilotage station.

14 THE CHAIRMAN: So this is the real
15 hour at which he gets home. He reports back. This is
16 the hour which is calculated?

17 THE WITNESS: Yes.

18 THE CHAIRMAN: Whilst in Holland you
19 said beforehand that there was a certain fixed hour,
20 that is half an hour. That is arbitrary in the case
21 of Holland and in Panama it's the real travelling.
22 What about Germany?

23 THE WITNESS: I have no information about
24 that my lord.

25 Q. You could check Mr. Bedard and
26 if you find it you could give us this after lunch.

27 THE CHAIRMAN: Are you going to pass
28 on to another subject matter?

29 MR. LALONDE: Yes.

30 THE CHAIRMAN: We are going to adjourn



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1 French

2 until 2:30 this afternoon as Mr. Brisset asked for
3 an early adjournment.

4
5 ---LUNCHEON ADJOURNMENT.

6
7 * * * * *



A/MR/RPS

French

---UPON RESUMING AT 2:30 P.M.

CONTINUATION OF RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. Mr. Bedard at the adjournment you were supposed to check in order to find out what the situation was in Germany regarding the system of calculation for the workload of a pilot.

A. The example we have is for the pilots on the Elba River, for pilots shipping vessels up to Hamburg; three hours time to be allocated to the pilot. After this one has been definitely dispatched to a vessel at the pilotage station, then the time to go to the tugboat, and then from the tugboat to the vessel and then from the vessel to the station of Brunsbittel, from Brunsbittel the pilot, coming from Hamburg, gets off the vessel and then the waiting period is calculated from that place and the time of the travelling from the tugboat, or the pilot boat coming from Hamburg and the time from the return to Hamburg and also waiting period at that place still at Brunsbittel, and then the time for the travelling from the tugboat and from the tugboat or the pilot boat to the vessel and then the return to Hamburg and then it has added the expiration after the return trip the amount equivalent to 30 minutes in order to allow the pilot to get back to his home.

Q. Is that time calculated in the full value of 100 per cent?



1 French

2 A. No. As I said this morning in
3 Germany this time is not valued at 100 per cent contrary
4 to Belgium and Holland where the time is calculated
5 at a full value of 100 per cent.

6 Q. Now if you want to pass on to para-
7 graph 222, page 86 of the English text:

8 "Finally any comparison of the
9 "revenues of the St. Lawrence pilots with
10 "those of their foreign counterparts
11 "must provide for the additional benefits
12 "which they frequently enjoy. Thus,
13 "in several foreign instances the
14 "pilots make no contributions to their
15 "pension fund yet those who have
16 "retired have a right to an amount
17 "corresponding to a third of the income
18 "of an active pilot. Such added benefits
19 "can constitute important items of indirect
20 "income."

21 Did you have the opportunity of studying
22 systems similar to the one mentioned in this paragraph?

23 A. Yes. The fringe benefit, which
24 is the most important and which is not shown on the
25 income of the pilot in three countries, for example,
26 in France, in Italy and in the State of New York, from
27 the viewpoint of the pension fund the pilots when they
28 become members of the station such as that of Rouen,
29 are owners of three shares in the Association and
30 divide the common fund on an equal basis and when they



1 French

2 retire, they keep one-third within the Association and
3 withdraw one-third of the income of the active pilots.
4 That is to say that the pension is guaranteed by the
5 pilots who are active and the advantage of that system
6 is the following: Whenever there is inflation the
7 pilot's pension will always be in proportion of that
8 of the active pilot and this also exists in Italy where
9 the same system exists up to 50 per cent of the pilot's
10 income, the active pilot's income but there is a
11 restriction to the effect that this 50 per cent must
12 not be of more than 2-1/2 per cent of the total gross
13 amount, gross income, so then there might be a certain
14 variety.

15 The pension may be higher or lower, according
16 to the number of retired pilots. Aside from that
17 they receive a pension from the State as seamen. The
18 State of New York provides for the system but here it
19 is only one-quarter of the active pilots' earnings.

20 Q. If I understand you properly this
21 means then that the income of the active pilots includes
22 no deduction for the purpose of his own retirement
23 or pension?

24 A. There are no capitalizations made
25 for pension. The pension is always paid according to
26 the present income of active pilots.

English 27 COMMISSIONER SMITH: Could I ask a
28 question here? It is a little difficult to attempt to,
29 I know, make comparisons but in the way of let us say
30 the common expression of take-home pay what would be the



1 English

2 comparison between the take-home pay of the pilot here
3 and those other countries that you have mentioned?

4 Has that been considered?

5 THE WITNESS: Yes. We have looked at
6 this and I have asked questions. I talked to many of
7 these pilots and it varies in ports but the large ports
8 in France, for instance, like Marseilles, Rouen and
9 Le Havre will have a revenue close to \$11,000 in Canadian
10 money, if we figure it to the exchange which is, of
11 course, higher in revenue, that \$11,000 than would be
12 paid in Canada due to the cost of living, for instance.

13 The German pilots, we have asked them
14 the question. They did not come out with an amount
15 but they told us they were making more than the French.

16 MR. LALONDE: Is it not a fact Captain
17 that the German pilots have their income somewhat
18 related to foreign-going captains or masters?

19 THE WITNESS: Yes. It is provided in
20 the law that they should be paid according to their
21 certificate and in relation to the masters of foreign-
22 going ships for an equal amount of work. An equal
23 amount of work, they have figured that that should be
24 a 40-hour week but they do more than the 40-hour week
25 in pilotage and their revenue is substantially higher
26 than the master of a foreign-going ship.

27 MR. LALONDE: Were you given the figures
28 as to the, let us say, higher amounts of the earnings
29 in Hamburg? Up to what amount they would have been
30 making?



1 English

2 THE WITNESS: I was given it, but I
3 would have to look in the notes. I don't remember.

4 MR. LALONDE: Did you make any -- to
5 pursue your question Commissioner Smith -- did you
6 make any comparisons with other countries?

7 THE WITNESS: In the United States,
8 on the east coast, according to what we were told by
9 Captain Hilton Lowe, the average ---

10 MR. LALONDE: Who is Captain Lowe?

11 THE WITNESS: Captain Hilton Lowe is
12 the president of the American Pilots' Association and
13 he said the earnings of the pilots in the east coast
14 would be in the range of \$22,000 per year.

15 COMMISSIONER SMITH: Those are the
16 Sandy Hook pilots?

17 THE WITNESS: This would be pilots along
18 the east coast of the United States I would say from
19 Boston to Miami Florida. In some instances apparently
20 it was going much higher but this was exceptional.

21 THE CHAIRMAN: This is for year-round
22 employment of course?

23 THE WITNESS: Yes.

24 THE CHAIRMAN: Like in British Columbia.

25 THE WITNESS: Yes, but of course when
26 they have year-round employment like this they have
27 vacations, holidays that are provided. Usually a month
28 anyway, and then other periods. The Panama Canal pilots,
29 their earnings are in the range of \$17,000 for the
30 pilots that were there before the Suez crisis.



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1 English

2 MR. LALONDE: Are you referring to
3 Panama or Suez?

4 THE WITNESS: Suez. I am sorry, did
5 I say Panama? I meant the Suez Canal.

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/PB/RPS 1 English

2 Those that have been employed since the
3 end of this are all Egyptians and their salaries by the
4 canal are half what the others are earning. Of course
5 the amount of money over there is fantastic according
6 to our standards.

French 7 (THROUGH THE INTERPRETER.)

8 MR. LALONDE: You have mentioned the
9 case of France and you have quoted particularly the
10 example of Rouen. Is the role of the active pilot
11 applied elsewhere in France?

12 A. Yes, it is.

13 Q. In paragraph 352 of the brief you
14 declare and I quote:

15 "It is significant that in
16 "such matters it has been impossible
17 "for us to find a single country
18 "where the calculations are made
19 "in a manner as prejudicial to the
20 "pilots as they are in Canada."

21

22

23

24 A. Yes, we have discussed about
25 this this morning. Places where statistics have been
26 made about the workload, the time is counted as from
27 the departure from the domicile. Certain countries
28 have made thorough studies about these times, particularly
29 when pilots are civil servants. When they are members
30 of their Corporation, of course, it is a bit difficult.



1 French

2 They are less concerned with this problem of a 40-hour
3 week than the pilots who are civil servants.

4 Q. I will now turn to the chapter about
5 detentions, paragraph 375 and following. In this
6 paragraph you examine various arguments which were
7 put forward to plead in favour of the request for
8 exemptions in favour of home trade vessels along the
9 St. Lawrence River. You are trying to prove there that
10 it is wrong to say that there is a principle to the
11 effect that home trade vessels generally should be
12 exempted from compulsory pilotage in other countries.

13 Here again this is a question which
14 you have had an opportunity to study during your trip
15 to those countries. Did you carry this out in these
16 countries, in each and every country you went to?

17 A. That is so.

18 Q. The purpose of this file, your
19 lordship, and I will give it you directly. It is
20 mentioned here. If it is not possible for the Commission
21 to have the document available I shall file a copy
22 which I have in my hand or a photocopy of the document.

23 THE CHAIRMAN: We have here this week
24 all the documents we have so as to be able to compare
25 them to see whether they are complete or not.

26 MR. LALONDE: I will give just a few
27 quotes and references and then I shall file the
28 document, if necessary.

29 COMMISSIONER SMITH: If your lordship
30 pleases before we go too far into these questions of



1 English

2 exemptions and compulsory pilotage I have a few questions
3 I wanted to ask. It is a bit like jumping the gun
4 because the main general recommendation of the Federation
5 is Recommendation 15 which we will come to later on.
6 We are touching it here in this paragraph and it may be
7 just as well, if your lordship permits, that I would
8 ask them now, and perhaps the answers might be covered
9 in detail later on.

10 I want to start out, my lord, by saying
11 that I don't want any implication put on my words or
12 my questions that there is any conflict in logic or
13 any conflict in the presentation of the various briefs
14 of the pilots with regard to compulsory pilotage. There
15 is obviously a variance in the intensity and in the scope
16 and in the degree of compulsory pilotage taken across
17 the board in the various recommendations that have come
18 up from the Corporations and in the general recommendation
19 of the Federation. We have for instance just to quote
20 a few that there be no further exemptions, that the
21 status quo be held; all exemptions be statutory rather
22 than by Governor-in-Council; that all ships now required
23 to either take a pilot or pay the dues be compelled to
24 take a pilot, no option; that all exempted ships be
25 continued in the status quo; that compulsory pilotage
26 be for the first few trips only and that the exemptions
27 be the same as now existing in Montreal.

28 Well now, there is tremendous variation
29 between those recommendations and those submissions and
30 those contained in Recommendation 15 of the brief of the



1 English

2 Federation. I would like at some stage of the hearing
3 to have the reasons why these variations are there,
4 why they weren't all combined and made into one as in
5 the general recommendation of the Federation or what-
6 ever recommendations there might be. Perhaps, my lord,
7 this might be a good time to get that question answered,
8 or it might be better to delay it until later.

9 THE WITNESS: I may venture an answer
10 on this right away, Mr. Smith. If we look at the two
11 countries, for instance, before putting the parallel
12 to Canada. We found in France the exemptions are in the
13 law for all the harbours of France and they are very
14 limited. The general exemptions provided for ships
15 of less than 150 tons gross tonnage. That means pract-
16 ically all ships. 150 tons gross tonnage is a small
17 ship. The only exception to this rule is in the River
18 Seine going to Rouen where the exemption is further
19 limited to 50 tons gross tonnage. All the ships will
20 have to take pilots if they are over 50 tons gross
21 tonnage. If we go across the channel and go to the
22 U.K. we find the exemptions there vary from one port
23 to the other and compulsory or non-compulsory pilotage
24 will be in two ports very close to each other.

25 I don't know if it is historically that
26 this has come about. I think here in Canada we have
27 also had some history of these exemptions and that
28 is why there is some variance between districts, even
29 in the St. Lawrence River. Of course, the ideal
30 situation, I think, would be if the exemptions would be



1 English

2 the same all over as far as the operation of pilotage
3 is concerned so we would have a ship exempted of less
4 than 500 or 1,000 tons gross tonnage and all others
5 would have to take pilots.

6 Naturally some companies or some operators
7 of ships today have acquired rights to do pilotage
8 with certain exemptions and these rights have been there
9 for a number of years and we were, I wouldn't say afraid,
10 but shy to ask that these rights be taken away from
11 people that have been doing it. Of course, we should
12 not be shy in our action because on many occasions these
13 ships would represent some hazards, officers and
14 mates being liable to change often enough and you
15 get men at times who don't know the pilotage as they
16 ought. There is no restriction, anybody can go on the
17 ship as pilot even if he has never been in this District
18 before in his life.

19 COMMISSIONER SMITH: I can understand
20 that, but there is one thing that rather disturbs my
21 thinking a little. It is mentioned that the present
22 rule is hypocritical and illogical.

23 THE WITNESS: I believe -- I am sorry,
24 go ahead.

25 COMMISSIONER SMITH: If it is hypocritical
26 and illogical isn't it a compromise with safety to
27 have anything less than compulsory pilotage?

28 THE WITNESS: I believe so. I was
29 talking about exemptions, not so much about the differ-
30 ence between compulsory pilotage and compulsory payment.



1 English

2 We claim that compulsory payment is a way around of having
3 compulsory pilotage, but it has leaks in it and a ship
4 can come up without a pilot and pay. Another leak that
5 is in it and it has been shown before this Commission
6 is that when ships are coming they are exempted from
7 pilotage and they may take a pilot that is certified
8 with a licence. Well, this is in no way controlled,
9 apparently, because the Department of Transport has been
10 aware that this has been done for many years.

11 On many occasions ships are coming
12 in with pilots which are not registered by the Govern-
13 ment. We know it is going on but we can't control it.
14 If you add compulsory pilotage on this occasion you
15 would eliminate this second rate pilotage.

16 COMMISSIONER SMITH: In other words,
17 Captain, leaving aside all these historical benefits
18 and privileges that have been granted in the past, it
19 is your present view that all those holding those
20 privileges and other grants have been made ought to be
21 eliminated and compulsory pilotage substituted for the
22 safety of navigation of ships in our waters?

23 THE WITNESS: Yes sir, there is no
24 doubt. As time goes by and the years go by we will have
25 more traffic, more ships and I think the security angle
26 there should be well looked into and necessarily put
27 in more restrictions on these exemptions.

28 THE CHAIRMAN: Would that apply to open
29 waters of the Great Lakes?

30 THE WITNESS: I haven't given it a thought.



1 English

2 THE CHAIRMAN: Because we have to bear
3 in mind it is only for the River that we are going to
4 make recommendations.

5 THE WITNESS: Yes.

6 MR. LALONDE: Q. What is your own view
7 as to the St. Lawrence, from Escoumains to Kingston?

8 THE WITNESS: My own view on this is
9 compulsory pilotage for all ships. That would be the
10 ideal situation.

11 MR. LALONDE: Even smaller ships?

12 THE WITNESS: Smaller ships, yes, small
13 tonnage, if you like.

14 COMMISSIONER SMITH: It is somewhat
15 disturbing to me that if this is the ideal situation,
16 and I don't disagree with you. I don't express any
17 opinion on it at the moment. If this is the ideal
18 situation why shouldn't everything else be wiped aside
19 and that situation prevail?

20 THE WITNESS: We have given consideration
21 to the rights that were acquired in the past.

22 COMMISSIONER RENWICK: We must keep in
BB2 23 mind carrying a pilot isn't a guarantee against accidents.
24 That is amply proven in the record.

25 THE WITNESS: Of course not, but the
26 advantage is you are sure to have a man with local
27 knowledge at all times, who knows the channel, how
28 far from the centre line of the channel he can go to
29 avoid accidents. You have a more qualified man than
30 you would have in other cases.



1 English

2 THE CHAIRMAN: Of course this is a
3 question of principle and when we review the record
4 we will find different situations. For instance we
5 have found places where they have said pilotage wasn't
6 a question of security at all, a place like Sept Iles,
7 it is for expediency. Would that mean anywhere it
8 should be expedient to have pilots are compulsory?
9 I don't want anyone to answer that, just to show the
10 scope of the question that we have to envisage is all
11 pilotage in Canada and whether hard, fast rules are
12 applied to all, this is a question we will have to
13 consider, I think, bearing in mind the various local
14 situations.

15 For instance you have a case that
16 everybody knows, the Panama Canal, where excellent
17 security has to be maintained and in Sept Iles where
18 no security has to be maintained and it is just a matter
19 of expediency.

French 20 MR. LALONDE: Q. If you allow, Mr
21 Bedard, I am going to give you a reference, paragraph
22 375D refers to the English text. You find it in Article
23 11 of the English law on the Pilotage Act dated 1913,
24 provisions covering the situation in Southampton. This
25 can be found in the booklet entitled General By-Laws
26 Applying to Trinity House Out-Port Pilotage District
27 and Article 58 of these By-Laws contains the following
28 provisions in paragraph 1:

29 The following classes of ships
30 when not carrying passengers shall be



1 French

2 exempt from compulsory pilotage:

3 1) Ships trading coast-wise and home
4 trade ships trading otherwise than coast-
5 wise up to a gross tonnage of 3,500 tons
6 in the Isle of White, Weymount, Fallmouth,
7 Dartmouth, Brixham, Melford and Barrow
8 district, and 1,500 tons in all other
9 out-port districts...

10 2) Ships up to 1,500 tons gross tonnage
11 whose ordinary course of navigation does
12 not extend beyond the seaward limits
13 of any harbour authority within any of
14 the out-port districts whilst navigating
15 within these limits.

16 The exemption of 1,500 tons, gross
17 tons refers to what is in 375D on the
18 Hammer River and the Port of Hull, they are in accord-
19 ance with Article 58 of the General By-Laws of Trinity
20 House which have 1,500 tons exemption in all the other
21 harbours other than those mentioned where the exemption
22 was 1,500 gross tons.

23 THE CHAIRMAN: You are going to refer
24 to these documents. Don't you think it would be a good
25 idea to give it an exhibit number as we go along and
26 then we will check in order to find these documents
27 and if we don't have them we will try and get copies
28 of them.

29 MR. LALONDE: It is the Pilotage Act,
30 1913, United Kingdom General By-Laws applying to Trinity



1 French

2 House Out-Port Pilotage Districts. I will add here
3 London Pilotage District By-Laws and Liverpool Pilotage
4 District By-Laws relating to pilotage.

5
6 ---EXHIBIT NO. 873:

General By-Laws of the
United Kingdom, taken from
The Pilotage Act, 1913,
re Trinity House Out-Port
Pilotage Districts and
London and Liverpool Pilot-
age District By-Laws.

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11 MR. LALONDE: Q. I would like to refer
12 the Commission regarding exemptions to Article 118,
13 the Liverpool Pilotage District By-Laws which reads
14 as follows:

15 In addition to the ships or
16 vessels exempted from compulsory pilotage
17 under Section 11(3) of The Pilotage Act,
18 1913 and by provisos to Section 5 of the
19 Liverpool Pilotage Order, 1920 ships
20 trading coast-wise

21 (a) of a gross tonnage not
22 exceeding 250 tons or

23 (b) if in ballast of a gross ton-
24 nage not exceeding 500 tons, which
25 if not carrying passengers be
26 exempted from compulsory pilotage
27 within the pilotage district.

28 As regards the situation in the
29 London pilotage district, that is on the Thames, I
30 would like to refer the Commission to part 9 entitled



1 French

2 By-Laws relating to exemptions from compulsory pilotage,
3 Article 1 which reads as follows:

4 The following classes when not
5 carrying passengers are exempted from
6 compulsory pilotage in the District.

7 1) Ship of less than 3,500 gross tonnage
8 trading coast-wise.

9 2) Home trade ships of less than 3,500
10 tons gross tonnage trading otherwise than
11 coast-wise

12 3) Ships less than 1,500 tons gross tonnage
13 whose ordinary course of navigation does
14 not extend beyond the seaward limits of
15 any harbour authority within the district
16 whilst navigating within those limits.

17 Mr. Bedard, paragraph 1 in paragraph 375
18 refers to the British pilot himself. Would you elaborate
19 on this?

20 A. Yes, I could elaborate. It mentions,
21 for instance, that in Liverpool we see that the boats
22 exempted were all very small tonnage, such small tonnage
23 that it didn't exempt the ferry boats going from
24 Liverpool to Beacon Head, for instance, or boats which
25 are constantly in the district. Since Liverpool is a
26 harbour where pilotage is compulsory certain certificates
27 of master pilot can be issued and the candidate must
28 sit for an examination before the Board of Commissioners
29 in Liverpool and a certificate is issued which gives to
30 the candidate permission to pilot in this harbour.



1 French

2 Q. Do you mean piloting himself?

3 A. Yes, I mean piloting his own boat.

4 Theoretically it is limited to small boats with a
5 small tonnage which are constantly within this District.

6 Q. Do you have any idea about their
7 tonnage?

8 A. Under 1,000 tons. There may be
9 a few exemptions, but under 1,000 tons generally.

10 Q. You state in paragraph 1 that there
11 is only one case in England where there is a master
12 who has a pilot licence for a boat over 4,000 gross tons.
13 Have you heard about that?

14 A. Yes, we were interested in this
15 case. It was the captain who had a boat that became
16 a sea-faring boat. If necessary who asked somebody
17 from Southampton, Trinity House what it was about and
18 we heard that the captain had a certificate of piloting
19 but that he never used it in practice. This is the
20 only instance where we have heard about a certificate
21 of pilot captain which had been granted to a captain
22 for a boat which had such an important tonnage.

23 Q. Had you had an opportunity of
24 discussing with the authorities of Trinity House in
25 London about this case?

26 A. Yes.

27 Q. Did you discuss the argument whereby
28 these pilot, captain certificates would only be
29 granted in the case of boats under 3,500 tons?

30 A. Yes.



1 French

2 Q. What was their opinion of these
3 people?

4 A. The certificates of pilot, captain
5 are given in harbours where the pilotage is compulsory
6 and for a small tonnage only.

7 Q. As regards the Glasgow Harbour,
8 Paragraph B, do you have any information here which
9 has been transmitted to yourself or was it given to
10 you by the pilot authorities?

11 A. Yes, it was given by the pilotage
12 authorities, the local pilotage authorities.

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MR/RPS

1 French

2 Q. Under paragraph 1 we mentioned.
3 the case of Holland. It is stated that the only ships
4 which are exempt are the boats which have a tonnage
5 less than 500 gross tonnage when in ballast and a draught less
6 than 21 decimeters. At the end of this paragraph it is
7 stated: "For these reasons there are only about 15 to 20
8 boats in Holland which enjoy this privilege and a
9 majority of them are ferry boats or barges." The
10 last sentence in paragraph F, page 150 of the English
11 text.

12 A. This was said to us by the pilots
13 and by the representatives from the Government.

14 THE CHAIRMAN: That is a draught of
15 about one foot, 21 decimeters? About one foot?

16 MR. LALONDE: That is about one-fourth
17 of a metre. About two metres.

18 Q. Your lordship I have in hand
19 a complete series of the British laws and regulations.
20 I can give a number to this document, 874, rules
21 and regulations of piloting in Holland.

22
23 --EXHIBIT NO. 874: Rules and regulations of
24 piloting in Holland.

25 Q. The Secretary of the Commission
26 will have an opportunity to practice his Dutch. Under
27 paragraph G you mention the position in Belgium. Did
28 you get this information from the pilots?

29 A. I know from the Government authorities
30 as well.



1 French

2 Q. This document is not the law.

3 There seems to be no rules on pilotage as such. That
4 is a Royal decree on pilotage. It could receive the
5 index number 875 at once.

6
7 ---EXHIBIT NO. 875:

Regulation on pilotage
in Belgium 1959.

8
9 MR. LALONDE: The printing is 1959.

10 Of course the regulation dates back earlier.

11 Q. Paragraph H deals with the
12 situation in France and here I would direct you to
13 Article 3 of the French law which limits tonnage. I
14 can read it out immediately so that it will be trans-
15 lated in the record. It reads as follows:

16 Article 3, the pilotage tariff
17 will be established, according to the
18 gross tonnage of the ships; except in
19 exceptional cases is determined by local
20 regulations. There will be exempt from
21 the obligations of having a pilot on
22 board the sailing boats of gross tonnage
23 of 100 tons and the mechanically propelled
24 ships with a net tonnage of under 150
25 tons. There shall also be exempt from
26 this obligation, whatever their tonnage,
27 the mechanically propelled ships, the
28 power boats, also the carriers, the dredges,
29 the barges, the annexed boats and so on
30 and so forth which are going exclusively



1 French

2 for the maintenance and the supervision
3 of the harbour and their accesses and
4 also the ships for beacons and lights.

5 In the harbours which are particul-
6 arly easy of access where licence of
7 captain pilots have been granted in
8 favour of masters of ships and regulations,
9 these licences may be granted further
10 to captains of ships who have licences
11 of captain foreign-going, for coastal
12 ships or for merchant shipping. There
13 is a certificate in France for merchant
14 marine for shipping.

15 Now your lordship I would like to file here
16 a document under the title official bulletin of the
17 Merchant Marine, volume 19, pilotage. This is a document
18 embodying the law of pilotage, the degrees and
19 ministerial degrees of France under the law of pilotage,
20 excerpts from the most important parts of the French
21 laws in respect of pilotage and the Ministerial
22 circulars concerning pilotage in France.

23 From what has been said to me by the
24 Secretary, the Commission has not read this document,
25 this text of the law. I have had quite a lot to do
26 with this volume and I think it would be most interesting
27 if it could be put at the disposal of the members of
28 the Commission so that the members of the Commission
29 could be thoroughly informed about it. There are some
30 long comments about the French law.



1 French

2 THE CHAIRMAN: If you could file your
3 copy, we will get one ourselves and give it back to
4 you.

5
6 ---EXHIBIT NO. 876:

Official bulletin of the
Merchant Marine, volume
19, pilotage.

7
8
9 MR. LALONDE: I wish to add to this
10 a copy of a decree dated April 28th about the same river
11 which limits to 50 net tons the exemption in the Seine
12 district up to Rouen.

13 Article 3 of the French law on pilotage
14 refers to the certificate of pilot captain. Did you
15 have an opportunity to get some information in France
16 about this certificate?

17 A. Yes. None was issued since 1939.
18 Besides, at the present in France there is a Commission
19 for the study of the organization of pilotage in the
20 maritime waters and we have heard the reports of this
21 Commission and we have heard a draft report from this
22 Commission and it is recommended that this practice
23 be discontinued and that no longer these certificates
24 of pilot captain be granted.

25 Anyways, the natural practice none
26 has been issued since 1939 so it doesn't exist, more or
27 less.

28 Q. In paragraph I it refers to the
29 situation existing in Germany and this is in the case
30 of the Kiel Canal and elsewhere and so far as the stand



1 French

2 of the master pilot is concerned, could you please
3 elaborate on that?

4 A. In Germany, in practice, all
5 vessels of 1,500 gross tons and more take pilots on
6 board, even if it is not compulsory under the law.
7 However, a restriction was imposed, as is provided in
8 the law that such restriction may be imposed, so in
9 the Kiel Canal compulsory pilotage was imposed for
10 any vessel of over 1,500 gross tons.

11 Q. Did you obtain any information from
12 the Government Authorities regarding the non-existence
13 of master pilot certificates or licences in Germany?

14 A. Yes. We were told by the Government
15 authority that such things did not exist.

16 Q. Paragraph J refers to the situation
17 in Italy.

18 THE CHAIRMAN: With regard to Germany,
19 are you filing any documents?

20 MR. LALONDE: At the present time I
21 don't have the By-Laws regarding Kiel Canal situation --
22 I am sorry, I withdraw what I said before. I now
23 have before me the By-Laws for pilotage for the Northern
24 Sea as well as Kiel Canal, document entitled Lotsenbruder-
25 schaft, Nord-Ostsee Kanal and Brunsbittelkoog. I will
26 leave it to the discretion of the Commission to find
27 exactly the Article where the limit of 500 tons is
28 imposed for exemption purposes.

29 ---EXHIBIT NO. 877:

30 Lotsenbruderschaft, Nord-
Ostsee Kanal and Brunsbettel-
koog.



1 French

2 Q. Now so far as the situation in
3 Italy is concerned, I would like to refer the Commission
4 to Articles 98 and following of the By-Law established
5 in accordance with the Italian Navigation Code. Article
6 98 and following, and more particularly regarding the
7 whole organization of pilotage, chapter 2 of the By-
8 Laws and Articles 86 and following of the Italian
9 Navigation Code chapter 2 regarding maritime pilotage.

10 Article 87 imposes the obligations or
11 rather imposes compulsory pilotage as such in all
12 Italian harbours.

13 THE SECRETARY: How many volumes are
14 being filed here?

15 MR. LALONDE: The Navigation Code as
16 well as the By-Laws established according to this
17 code and with regard to the exemption, as such, it can
18 be found in Ministerial Order dated November 3rd 1948
19 according to which an increase from 200 to 500 gross
20 tons for the exemption in the Italian harbours. This
21 is an order which was issued by the Minister for the
22 Merchant Marine on November 3rd 1948. This order
23 is reproduced in a book, in volume 2 of the Atti,
24 1947 to 1957 of the Federation of Italian Pilots on
25 page 369 of that volume.

26 Mr. Bedard, I would like to refer you
27 to paragraph K having to do with the situation in the
28 United States ---

29 THE CHAIRMAN: Regarding Italy the
30 exhibit number is 878.



1 French

2 ---EXHIBIT NO. 878:

Book entitled Atti 1947
to 1957 of the Federation
of Italian Pilots.

3
4
5 Q. Regarding the United States, it
6 seems that the exemption for coastal vessels are much
7 greater than in any other countries that we have mentioned
8 up to now.

9 A. Theoretically speaking, yes, the
10 vessels having licences to undertake some coastal
11 navigation whatever their tonnage are exempt from
12 compulsory dues, or compulsory pilotage in American
13 harbours when there is on board this vessel a master
14 or an officer whose licence has been supported to
15 undertake pilotage. This is a Federal licence. In the
16 course of our research we found out that in the United
17 States harbour, for example, 90 per cent of the
18 vessels undertaking coastal navigation being exempt
19 from this compulsory pilotage, take pilots on board
20 just the same; pilots that are licensed by the State
21 of New York or New York Harbour and we also have seen
22 that these vessels at times enjoy a reduced rate for
23 pilotage. The pilots have reached an agreement with
24 the coastal navigation companies that the rate may be
25 reduced by 10, 20 or 30 per cent.

26 Everything is dependent upon the harbour.

27 The masters of these vessels take pilots
28 on board every time they go to these given harbours
29 and we were told also that the additional 10 per cent
30 of vessels who did not take any licensed pilots on board



1 French

2 for these given harbours or rivers, do take some pilots
3 on board whenever the weather conditions are not
4 favourable.

5 Q. Paragraph L you refer to the case
6 of the Suez Canal where it is stated that all ships ---

7 THE CHAIRMAN: Have you filed any
8 documents for the United States?

English 9 COMMISSIONER SMITH: Captain, before
10 you leave the United States, did you come in contact
11 with a man who had two licences, a licence for an
12 enroled ship and a licence for a registered ship?
13 I don't know whether this is a common practice in the
14 States or not. This was a Seattle pilot.

15 THE WITNESS: We understand to be what
16 they call the enroled ships are ships of a Federal
17 licence and their ships are doing coast-wise trade
18 and most pilots in the United States have both licences.
19 They have the Federal licence and the State licence.
20 It is not compulsory for the pilots in New York Harbour
21 to have this Federal licence but they do have it. As
22 soon as they have completed their necessary sea time
23 to get the certificate of some kind, they usually go
24 for an endorsement of the Federal licence of pilotage.

French 25 (THROUGH THE INTERPRETER.)

26 Q. Regarding the situation in the
27 United States, I would like to file only volume 36 of
28 the McKinney's Consolidated Laws of New York, entitled
29 Navigation Law, which includes the different provisos
30 on application in the State of New York and more



1 French

2 particularly in the New York Harbour.

3
4 ---EXHIBIT NO. 879:

McKinney's Consolidated Laws
of New York.

5
6 Q. Mr. Bedard I think that you have
7 a document that we might file here at the same time
8 regarding the frequency of the use on the part of
9 vessels which are theoretically exempt from pilotage,
10 compulsory pilotage but using pilots. Do you have a
11 document for that purpose and can you please indicate
12 its source?

13 A. Yes. When we met with Captain
14 Lowe in Washington he supplied us with a bundle of
15 documents which contained the results of an inquiry
16 that has been made with the member associations of the
17 American Pilots' Association and one of these documents
18 asks the following questions:

English 19 "Approximately how many vessels

20 "do you service per year?"

French 21 And the second question:

English 22 "Approximately what percentage are

23 "registered vessels?"

French 24 (THROUGH THE INTERPRETER.)

25 So having the number of vessels and
26 the number of registered vessels by a percentage we
27 can establish the number of enrolled vessels which
28 are theoretically exempt and who take pilots on board
29 just the same.

30 Q. I would like to file this document



1 French

2 as an exhibit. Document entitled: document giving
3 number of vessels where pilots were dispatched in the
4 United States and the percentage of these vessels
5 which belong to the category of registered vessels.

6
7 ---EXHIBIT NO. 879:

Document giving number
8 of vessels where pilots
9 were dispatched in the
10 United States and the
11 percentage of these vessels
12 which belong to the category
13 of registered vessels.

14 Q. Would you know approximately in
15 what year this document has been established or to
16 what year it refers? This is an inquiry that has been
17 accomplished in the United States in 1962.

18 THE SECRETARY: If I understand, it is
19 a composite list?

20 MR. LALONDE: A list of all the pilotage
21 districts where there is an association of pilots,
22 member of the American Association of Pilots, State
23 pilots, in other words.

24 Mr. Jacques has drawn my attention to
25 one particular point as regards the United States. You
26 have mentioned ships which were enrolled vessels.
27 Does the exemption apply in the case where there are
28 vessels which have a Federal licence, that is an
29 officer on board having a Federal licence?

30 A. That is so. It applies to an
officer having a Federal licence.

Q. There is no automatic exemption



1 French

2 for all coastal vessels or else there should be an
3 endorsement of licence on board?

4 A. Yes.

5 MR. JACQUES: As opposed to the system
6 which exists here, where the exemption is granted to
7 the ship, in the United States the exemption is granted
8 to a person piloting the ships.

9 THE CHAIRMAN: Are you going to change
10 the subject now?

11 MR. LALONDE: Well your lordship I
12 might just end up with paragraph L, the Suez Canal.
13 I would like to file a document called the United
14 Arab Republic Suez Canal Authority Rules of Navigation,
15 December 1962 edition. Article 3 reads as follows:

English 16 "All vessels measuring more than
17 "500 Suez Canal tons gross entering
18 "or leaving Port Siad Harbour, or the
19 "canal authority dock at Port Theufik,
20 "or transitting through the canal must
21 "take a pilot of the Canal Authority
22 "who will give all particulars as to the
23 "course to be steered. Pilots' duties
24 "commence or cease at the outer channel
25 "buoys of Port Siad and Port Theufik."

26
27 ---EXHIBIT NO. 880:

United Arab Republic
Suez Canal Authority
Rules of Navigation,
December, 1962 edition.

28
29
30 THE CHAIRMAN: We will adjourn for a few
minutes.



PB/RPS

1 French

2 ---A SHORT RECESS.

4 ---FOLLOWING THE SHORT RECESS:

6 CONTINUATION OF RE-DIRECT EXAMINATION BY MR. LALONDE:

7 Q. Paragraph 376 and following,
8 there are a number of arguments for the payment of
9 compulsory dues for pilotage being a very heavy financial
10 burden for coastal vessels. Paragraph 378 gives
11 testimony presented before the Norris Commission in 1962.
12 I would like to file an extract, rather a photocopy
13 of an extract from the evidence given before this
14 Commission, particularly page 14,573 and pages 1,049 to
15 1,053. This Commission had to sit for quite a long
16 time as well, your lordship.

17 The first evidence is given by Mr.
18 Kaake who was the auditor for the Upper Lake Shipping.
19 The evidence on page 14,573 is that of Mr. Leitch,
20 President of the Upper Lakes Shipping Company which
21 deals with the operational costs of the vessels on the
22 lake and the expenses resulting from certain delays
23 in the operation. To this document we have appended
24 a photocopy of document T131 filed by Mr. Kaake before
25 this Commission in Toronto.

26 These are four documents, one about the
27 the S.S. GORDON LEITCH which is a vessel of 18,750 gross
28 tons, the S.S. SEAWAY QUEEN, which is 23,440 tons, the
29 S.S. FRANK A. SHERMAN, a ship with 22,000 gross tons
30 and also the S.S. VICTORIOUS, a smaller vessel with



1 French

2 7,000 gross tons. The document T131 is an analysis
3 prepared by the auditor for Upper Lakes Shipping to
4 demonstrate the daily losses which may result for the
5 enterprise following delays. These losses are estimated
6 at \$1,798, \$6,779, \$5,038 and \$4,676.

7 The pages are 14,573 and pages 1.049 to
8 1,053.

9 THE SECRETARY: Exhibit 881.

10
11 ---EXHIBIT NO. 881:

Document entitled T-131;
analysis prepared by the
auditor for Upper Lakes
Shipping to demonstrate
daily losses which may
result for the enterprise
following delays and extracts
from Norris Commission
evidence.

12
13
14
15
16
17 MR. LALONDE: Q. The controller of the
18 Upper Lakes states this evaluation was made on real
19 losses and that no account was taken of losses which
20 may result from potential loss or loss of earnings.
21 I note in the document filed by Mr. Kaake, the net
22 deductions made concerning the operational costs for
23 labour on the vessel. I understand in the case of this
24 enterprise the labour was paid by somebody else than
25 the enterprise who owned the ship.

26 In any case when we refer to the evidence
27 given by Mr. Kaak and the analysis we can have all the
28 details on this matter.

29 In paragraph 384 an excerpt from a letter
30



1 French

2 from the Minister of Transport, October 18th, 1962
3 addressed to the Federation of St. Lawrence Pilots is
4 quoted, and this letter has been filed as Exhibit 756.

5 In paragraph 389 an excerpt from a
6 circular of the Department dated July 19th, 1958 is
7 quoted. This circular letter is part and parcel of
8 a document that has been filed before this Committee
9 which contains the French law and which is filed as
10 Exhibit 876.

11 Now, Mr. Bedard, if you want to go to
12 the final section of your brief regarding the recommend-
13 ations, especially paragraph 399 on page 167 of the
14 English text, that paragraph ends by

15 "The general recommendations made by
16 "the Federation are inspired in particular
17 "by the pilotage systems of Germany, the
18 "United States, France and Italy".

19 I would like you to sum up for the
20 Commission what interested you most for the purposes
21 of your recommendations in the different systems
22 starting with the German system? What were the character-
23 istics that led to this comment in the brief?

24 A. During our trip we were in quest
25 of systems which might offer a highly efficient service
26 for the shipowners and a very efficient administration
27 for both the shipowners and the pilots. In the course
28 of our studies the German system interested the legal
29 adviser and myself very much. The German law is the
30 most recent one and is dated October 13th 1954 and it



1 French

2 has been studied and gone into by the interested parties,
3 that is the German Federal Transport Department, the
4 shipowners and the pilots.

5 Q. Before going on, Mr. Bedard, I
6 would like you to file now a copy of the German law
7 on pilotage dated in the year 1954 with a French
8 translation, not an official French translation. For
9 the purpose of the Commission I will file two copies
10 of that translation.

11
12 ---EXHIBIT NO. 882:

Two copies of French
translation of German
law.

13
14
15 THE SECRETARY: Is the translation in
16 French or English?

17 MR. LALONDE: In French.

18 THE WITNESS: The main things concerning
19 the German pilotage system, it is a system whereby the
20 pilot is considered a free contractor or an independent
21 contractor and has income according to a rate which
22 has been established previously. Moreover the pilots
23 of the Pilots' Association are an incorporation of
24 public law and have the duty and responsibility of
25 administering the pilotage station itself and the
26 pilot boats on duty within the German Federal State.

27 To that purpose the law provides that
28 there will be two rates, one which is exclusively for
29 the purpose of the administration of pilotage costs
30 and a rate which has to do with the income of pilots.



1 French

2 The rate for the administration of pilotage costs is
3 established jointly with the Department of Transport
4 after consultations and approval by the Department of
5 Finance. The first regarding the rate for the income
6 and distribution to pilots, it is a rate established
7 by the Minister of Transport only. The administration
8 is depending upon the authority of the Minister and
9 is distributed to his Secretary for Maritime Navigation.

10 Under this Secretary for Maritime
11 Navigation there is a Ministerial Director who is
12 called Mr. Karl Shubert who in turn gives or delegates
13 his administration to Mr. Kirt Graft who is from the
14 Department of Transport whose office is located in
15 Hamburg.

16 The Minister of Transport Maritime
17 Section has established his permanent headquarters in
18 Hamburg instead of Bonn. Mr. Kirf Graft
19 assistants. He is a lawyer who gives about 70 per cent
20 of his time to the field of pilotage. He has two
21 assistants who give one hundred per cent of their
22 time to check the financial statements produced
23 by the pilotage stations and to overseeing efficiency
24 in the service throughout the harbours of the Federal
25 Germany.

26 Whenever there are certain tests to be
27 made regarding the administration of pilotage the
28 law provides that the German Federation of Pilots which
29 is also a public body should be consulted. Consequently
30 negotiations are started immediately between interested



1 French

2 parties regarding the problems that may arise in that
3 field of pilotage. No problems are going to be settled
4 without either of the two parties being consulted.

5 When the problems are on a local scale
6 the Pilots' Association of each district, members of
7 the German Federation of Pilots have a regional
8 supervisor, regional director of navigation and this
9 regional navigation director is the man who is entrusted
10 with the elections and the aids to navigation, the
11 different constructions regarding these districts and
12 regarding waters in the districts and the meetings with
13 the local Associations are held there. It has only
14 disciplinary and supervisory power. If you mention
15 disciplinary power, it is interesting to note that the
16 local Association of Pilots elects for a three-year
17 term a Board of Directors amongst whom there is a chief
18 pilot who doesn't do any active piloting or very
19 little and he is the one who is President, such as the
20 case with our own Corporation and besides that he is
21 supervisor at the local level. He is entrusted with
22 the tour de role. He has disciplinary powers which
23 may be used in co-operation with the disciplinary
24 committee which is established within that Pilots'
25 Association.

26 Whenever a decision is made regarding
27 disciplinary powers the complaint must be submitted
28 in writing to the chief pilot who hands it to the discip-
29 linary committee and a penalty may be imposed or a
30 suspension. If a pilot is not satisfied with a decision



1 French

DD2

2 he can appeal to the regional director who in rare
3 cases may exercise his responsibility either to send
4 the whole matter to the German Ministry Department
5 in the case of, for example, a suspension.

6 The pilots also have the responsibility
7 of administering the material. They must prepare
8 a budget every year in order to establish a rate for
9 administration purposes. This budget is submitted to Mr.
10 Kirt Graft and his two assistance for inspection. A
11 forecast is provided every three years, for example . . .

English

12 COMMISSIONER SMITH: Would you mind
13 an interruption. I want to get something clear in
14 my mind on a point you raised. Would it be an
15 oversimplification of the system in Germany to base
16 it on four points: Number one would be the authority
17 for the fixation of pilotage tariffs which, I take
18 it, would be done by the Minister of Transport in
19 conjunction with the Minister of Finance or whatever
20 the machinery is.

21 THE WITNESS: Yes.

22 COMMISSIONER SMITH: That there is a
23 collection of the gross revenue and there are expenses
24 with regard to administration of pilotage in the
25 country and then finally, four, there is a division of
26 the net. Would that be an oversimplification of the
27 pilotage in Germany?

28 THE WITNESS: Not exactly, sir. There
29 are two separate tariffs. One is for the revenue of
30 the pilots and the other is for the administration costs.



1 English

2 You can't take money from one fund to put in the other.
3 This is completely separated.

4 THE CHAIRMAN: Do I understand that the
5 administration of pilotage is borne by the government
6 and the government sets a special tariff just to repay
7 the man all the expenses he made?

8 THE WITNESS: No, the tariff for
9 administration cost is paid by the users of the rivers
10 or harbours and it is put into a fund and this fund
11 is calculated to be sufficient to pay all the costs.
12 The government is the holder of that fund and he
13 will write out cheques to the Association of Pilots
14 for the amount of 25,000 marks to cover a certain period.
15 When this 25,000 marks is down to a few marks the
16 Association applies to the government for another 25,000
17 marks in advance.

18 MR. LALONDE: That is for administration?

19 THE WITNESS: Yes.

20 MR. LALONDE: For the pilot stations.

21 THE WITNESS: Yes.

22 THE CHAIRMAN: In other words the expenses
23 of administration are paid by the Pilot Associations
24 with the money furnished from that fund, but they are
25 making their expenditures, they hire the clerks and
26 so on, buy the boats and then they are buying them
27 with funds provided through that tariff?

28 THE WITNESS: That is correct.

29 MR. LALONDE: Q. Your lordship stated
30 they would buy the boats. Would you explain to his



1 English.

2 lordship what is the situation about ownership of the
3 boats, for instance?

4 A. All the floating material is
5 owned by the State. It belongs to the German State
6 but it is operated by the pilots. They are in charge
7 and are employing the crew, buying stores and so on.

8 Q. It is paid out of a special
9 tariff?

10 A. Out of a special tariff.

11
12 CROSS-EXAMINATION BY MR. JACQUES:

13
14 Q. Have these associations or
15 corporations any borrowing powers?

16 A. Yes, they have.

17 Q. They do. What about if the
18 fund set aside for administration is not sufficient?

19 A. They could borrow with the
20 endorsement of the government, but the district or
21 station couldn't apply to another district, pilotage
22 district. It is completely separate. These tariffs
23 for administration cost, compulsory for all ships over
24 a thousand tons gross tonnage when they have or haven't
25 pilots on board, they must pay this fee for
26 administration costs. If they are less than one
27 thousand tons they don't have to pay the administration
28 costs if they don't have a pilot on board. If they
29 have a pilot on board they have to pay the administration
30 cost.



1 English

2 The other tariff for pilotage is payable
3 by all ships having pilots on board. Ships that don't
4 have pilots on board don't have to pay the pilot money.

5 Q. So the compulsory payment is only
6 for administration tariff?

7 A. Yes.

8 THE CHAIRMAN: In other words ships
9 that don't employ pilots pay for the maintenance of the
10 service but not for the income of the pilots?

11 THE WITNESS: That is correct, sir.

12 COMMISSIONER RENWICK: Who sets the
13 rate of the first assessment for overhead?

14 THE WITNESS: It is set by the government
15 after consultation with the Federation of German Pilots
16 and the local Associations. They establish a budget
17 and set the tariff accordingly.

18 MR. LALONDE: It is set out in Article 6
19 in the German law.

20 THE WITNESS: Applicants to become a pilot
21 put their applications with the director of navigation
22 of the district and this list of applicants is given
23 to the Pilot's Association and jointly the Pilots'
24 Association with the director of the district will
25 pick out the names that they figure are the best
26 candidates. These candidates become apprentices and
27 must do at least 86 trips on the Elba River in that
28 district for a period of at least six months. Then they
29 have examinations which are passed in front of the
30 President and Vice-President of the Pilot Association,



1 English

2 two engineers for the Maritime Channel and the director
3 for navigation in that district. Of course, when they
4 do become a pilot they start on a grading system. The
5 first year they do ships of less than 3,000 gross tons.

6 Six months later 6,000 tons gross
7 tonnage and six months after that 10,000 tons gross
8 tonnage and then any tonnage. They are entitled to
9 pilot to the age of 65 and after 65 they must have a
10 yearly medical examination and must retire at 70.

11 MR. LALONDE: That would be like the
12 present state of the law in Canada?

13 THE WITNESS: That is correct. They
14 have a pension fund something similar to ours where
15 they set aside 10.6 per cent of their earnings for
16 capitalization and then administer the funds themselves.
17 They are in charge of placing the money on the advice
18 of various business people. I have here a quotation
19 from Captain Peterson who was the vice-president of the
20 Federation of German pilots and an active pilot on
21 the Elba River where he says revenues of pilots last
22 year were from 36 to 38 thousand marks but have been
23 as high as 46 thousand marks.

24 A mark is worth roughly 25 cents, I believe.
25 He was comparing this to the revenue of dentists, saying
26 dentists would be in the range of 25,000 marks. The
27 expenses of pilots are deducted from the common fund
28 of earnings for pilots before distribution so that their
29 revenue is more or less a net revenue.

30 All the expenses they incur in travelling



1 English

2 or board allowance is paid from the common fund before
3 distribution. The law makes it compulsory for local
4 Associations to belong to the Federation of German
5 pilots, both bodies being public corporations. They had
6 a strike 40 years ago -- 30 years ago, but since that
7 there has been peace in the river.

8 THE CHAIRMAN: 30 years ago?

9 THE WITNESS: 30 years ago they had a
10 40-day strike.

11 THE CHAIRMAN: Was the law then the same
12 as it is now?

13 THE WITNESS: No, not at all.

14 MR. LALONDE: The witness stated it
15 lasted 40 days, so probably if you pile up all the
16 strike in the St. Lawrence it may not go so far over
17 the years.

18 THE WITNESS: There are two districts
19 of pilotage where they are State employees, Lubeck and
20 Flenbury, and these district have 21 and 6 pilots
21 respectively. Apparently according to the hearing we
22 had the pilots were State employees because the revenue
23 of those harbours at that time weren't high enough to
24 have them under a current status, but we were told by Mr.
25 Kirt Graft they are working toward eliminating this
26 from the State system so that these pilots could enjoy
27 the system as the others do throughout Germany.

28 (THROUGH THE INTERPRETER.)

29 CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

30 Q. You mentioned a disciplinary committee.



1 French

2 I don't remember whether you said the discipline was
3 different from that of the Board of Directors or
4 whether it was similar?

5 A. It was different from the Board
6 of Directors. When there is a grievance or a complaint
7 the complaint must be addressed to the head pilot or
8 to the head of the Corporation who transmits this to
9 the Committee of Discipline to study. There is a regul-
10 ation which governs this Committee and the discipline
11 is rather extreme.

12 Q. My lord, I would like to file a
13 copy of the regulations of discipline and we will
14 expand it when we come to the specific recommendations
15 on the matter.

16
17 -----
18
19
20
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22
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29
30



MR/RPS 1 French

2 I haven't got my translation.

3 THE CHAIRMAN: Could we use Exhibit 877,
4 which has already been used for Germany to have all
5 the German documents together.

6 MR. JACQUES: The law has already been
7 filed as Exhibit 882 and 877 is about the Northern
8 Sea and Kiel.

9 MR. LALONDE: Therefore, this will be
10 annexed to No. 882 entitled regulations of the
11 Committee of Discipline for the pilots of the Elba
12 River. Now probably we will have an opportunity to
13 refer to the German law later on when we study the
14 conditions of the Federation.

15 THE WITNESS: For transcription I
16 would like to quote Article No. 1 of the German law.
17 It reads as follows:

18 Article 1 by "pilot" under this
19 law is he who with the authorization
20 of the Authorities leads professionally
21 vessels on lakes or seaways as an
22 adviser, specialist in navigation and
23 specialist in local conditions. He is
24 not a member of the crew of the ship.
25 "Seaway", in the sense of paragraph 1
26 includes also the Northern Sea Canal, which is the
27 Kiel Canal.

28 Q. Now as regards the American system,
29 particularly in New Jersey and New York States what
30 have you to say?



1 French

2 Once again what interested you particularly
3 for your recommendation in this American system?

4 A. Once again this system in the
5 New York State is a system in which the pilot is a free
6 contractor and he derives his benefits through a tariff
7 established according to the draught of the vessel
8 in that State. The authority is delegated by law
9 to a Board of Commissioners which is entitled to pass
10 on regulations. These regulations must be followed
11 by the pilots in service. These pilots have a simple
12 tariff. Within this tariff they have to pay administrative
13 expenses for the office materials, stamps, floating
14 materials. They are the owner of the floating materials
15 as well. Also from the receipts derived from the
16 tariff they must, of course, have their income and
17 this tariff is established by a law from the New York
18 legislative body. The pilots meet with the shipowners
19 and jointly discuss about any possible revision or
20 re-examination of the tariff and then they appear
21 jointly before the legislature of the State and if
22 there is not an easy agreement, they can exert pressure.

23 The Board of Examiners stays outside
24 from this question of tariff. They are informed by
25 letter about the decisions made by the pilots but they
26 have not taken an open stand on the question of tariff
27 themselves.

28 The apprenticeship system in that case
29 is a system which has a very long history since a young
30 man graduated from highschool must, first of all, enrol



1 French

2 with the pilot ship and stay there for 43 months.
3 This is a training period, and then he can become a
4 captain on the pilot boat. After 36 months he has
5 been serving long enough to be given a certificate
6 of captain of the pilot boat and at that time he can
7 also be granted a Federal Licence which means that his
8 certificate of captain, pilot boat may be endorsed
9 by the Federal Government and usually this is done at
10 once.

11 His period of 43 months being over, the
12 young pilot must travel with certified pilots for
13 at least 150 trips in the Harbour of New York. When
14 these 150 trips are completed, the candidate has to
15 sit for an examination before one or several pilots
16 on the Board of Examiners and the Board of Examiners
17 is authorized to issue pilot licences.

18 Here again, the first licences are for
19 vessels of small tonnage and it takes eight years to
20 have a higher licence for bigger ships. The income on
21 distribution, in the common sense, depends on the
22 tonnage of the ship.

23 Q. What is the main duties of the
24 Board of Commissioners?

25 A. It is supervision. On the 15th of
26 each month the pilots must supply the financial statement
27 of their Association and of the Corporation of pilot
28 boats and the Board of Examiners has secured the
29 service of a secretary, a full-time job and the Board
30 of Examiners is authorized to earmark three per cent of



1 French

2 the income of this administration.

3 Therefore, they only keep 1.5 per cent
4 for administration expense purposes.

5 Now I have forgotten to say when the
6 apprentice pilot is finished with his apprenticeship,
7 when he becomes a pilot and a member of the Association,
8 he must pay the amount of \$3,500 as being his part to
9 the Association for the material, the equipment. When
10 he has reached the retirement age, \$2,500 is given back
11 to him.

12
13 CROSS-EXAMINATION BY MR. JACQUES:

14 Q. How many pilot organizations are
15 there?

16 A. There are several organizations.

17 Q. They have By-Laws?

18 A. Yes.

19 Q. They have Boards of Directors that
20 are elected?

21 A. Yes, they are elected by the pilots
22 on an annual basis.

23 Q. There is also a corporation owner
24 of the pilot boats?

25 A. Yes.

26 Q. Who are the shareholders of that
27 corporation?

28 A. The pilots.

29 Q. All the pilots?

30 A. Yes.



1 French

2 Q. Are all the pilots members of the
3 Association?

4 A. Nothing forces them to become
5 a member of the Association but all members are members
6 of the Association. It would be difficult for them
7 not to be members because the pilots are also the
8 owners of the pilot boats.

9 Q. And what is the average net income
10 of the pilot? That is, what he receives after deduction
11 for administration purposes?

12 A. Well we were quoted a figure of
13 \$22,000.

14 Q. How many times per year do they
15 work?

16 A. Pilotage in the New York Harbour
17 is a distance of 12 to 42 miles in length. The average
18 of pilotage done by pilots on an annual basis is 180.
19 If we take the total of the number of pilots, divide
20 by the number of vessels, we reach the figure of 180
21 trips per year.

22 Q. And how many months per year do they
23 work?

24 A. Well they have periods of vacation.
25 Theoretically speaking they are on duty 12 months per
26 year. I don't have the reference here. You can find
27 that in the By-Laws of their Association, and I would
28 ask you to check that later on because I am not quite
29 sure about that but they have 30 days of continuous
30 holidays and then they have certain allocations subsequently.



1 French

2 Q. You say that the distance is from
3 12 to 42 miles in the New York Harbour district and you
4 say that they accomplish an average of 180 trips per
5 year. In your own District in Quebec what is the
6 distance?

7 A. 123 miles.

8 Q. If you had the same number of
9 effective trips, and the number of vessels, and divide
10 by the number of pilots, what figure would you get?

11 A. I think we would have 105. The
12 tour de role is established at 110 but with compensations,
13 and so on, I guess we would reach a figure of 105 on
14 an average.

15 MR. LALONDE: My colleague referred to the
16 By-Laws of American Pilots' Association. I would like
17 to file here two documents. One entitled Articles of
18 Association and By-Laws of the New York Sandy Hook
19 Pilots, Benevolent Association as amended to January 1
20 1960 and a second document New Jersey Statutes relating
21 to Pilots and Regulations of the Commissioners of
22 Pilotage of the State of New Jersey.

23 THE CHAIRMAN: As Exhibit 879 in a
24 bundle?

25 MR. LALONDE: Unfortunately, I do not
26 have the letters patent of the company operating the
27 pilot boats.

28 THE CHAIRMAN: 879, volume 36. No,
29 this is not the one.

30 MR. LALONDE: Unless you want to append it



1 French

2 your lordship.

3 THE CHAIRMAN: Yes, in order to gather
4 all the American documents together and give them the
5 same exhibit number, if possible.

6 THE WITNESS: It is interesting to note
7 also that the pilots are harbour pilots and are very
8 seldom called upon to undertake the manoeuvring of the
9 vessels along the wharves either upon arrival or
10 departure. The master of the tugboat goes on board
11 the vessel in order to undertake that manoeuvring.

12 However, if a pilot is called upon in
13 order to assist in the manoeuvring, he is allocated an
14 additional sum of \$50. This Board of Commissioners of
15 the New York State also supervises the pilotage on the
16 Hudson River and on the Hudson River the pilots, when
17 they are called upon to do some manoeuvring, are
18 entitled to \$35 as a remuneration, whether they help
19 out with tugboats, and when they have tugboats but
20 when they do not have tugboats they are entitled to
21 a remuneration of \$75.

22 I also notice in the Hudson River there is
23 a regulation which provides that when a pilot is kept
24 on board a vessel because of the condition of ice,
25 he will be entitled to indemnity of \$50 for 24 hours
26 on board the vessel or any fraction thereof.

EE2 27 MR. LALONDE: At the present time on
28 the St. Lawrence River do you receive any indemnity
29 whenever there is a delay of the vessel because of the
30 icy conditions or because of the weather?



1 French

2 THE WITNESS: No. There is no additional
3 income derived therefrom.

nglish 4 COMMISSIONER SMITH: Before we leave
5 the Sandy Hook pilots, about a year ago I made some
6 notes. I am not sure whether they are up to date
7 or not. There has been so much information on the pilotage
8 question that one gets a bit dizzy at times. However,
9 this is the position as given to me a year ago and
10 I would like to make sure it is the same today, and
11 I think it might be a bit useful to have it on the
12 record even though there is repetition in it.

13 These are the Sandy Hook pilots and they are graded.
14 Sixth grade draught not to exceed 20 feet across,
15 not to exceed 8,500 tons. And then there is the
16 fifth which goes up to 24 feet and 11,500 tons.
17 Fourth, 28 feet up to 18,000, and then there is another
18 category of 32 feet gross and goes up to 33,000 tons,
19 and then there is an unlimited draught of 35,000 tons
20 and the note says that a pilot, upon being first
21 declared qualified by the Commissioners to be a pilot,
22 shall be entitled to a licence of the sixth grade.
23 The first one I quoted, and thereafter if qualified
24 to be advanced in grades as follows and fifth, one
25 year's service to the fifth; two years to the fourth;
26 three years to the third and then on completion of
27 two years' service in the third to second, on completion
28 of two years' service in the second to first. Would
29 that be up to date?

30 THE WITNESS: Yes sir. According to the



1 English

2 information we have. I have here on hand the regulations
3 of the Board of Examiners of pilots of the State of
4 New York. It is dated March 1st 1962. It has a few
5 amendments that have been put into it but this is
6 Article 16 sir that you just read and it is exactly the
7 same as what you gave.

8 MR. LALONDE: Could you also annex
9 this document the witness has referred to in Exhibit
10 879?

11 THE CHAIRMAN: That is all right.

12 MR. LALONDE: Designated as -- ?

13 THE WITNESS: Regulation of the Board
14 of Examiners of Pilots of the State of New York.

ench 15 MR. LALONDE: Mr. Bedard do you have
16 anything to add regarding the American organization
17 or have you given a complete description?

18 THE WITNESS: Well I just gave you the
19 main points but I know that the President, as well as
20 the Vice-President or designated pilots do not undertake
21 any active pilotage, with the exception of certain --
22 under high traffic conditions their service may be
23 requested. They are extremely active also in different
24 movements such as the Chamber of Commerce or to under-
25 take anything for the New York Harbour and they seem
26 to be considered by the shipowners more like associates
27 than employees. It seems there is a cordial under-
28 standing between the shipowners and the pilots in that
29 State and the tariff is established so as to reach a
30 certain income but no attempts are made in order to



1 French

2 try and establish a ceiling on that.

3 THE CHAIRMAN: According to the information
4 you received, were they satisfied with that system?

5 THE WITNESS: Yes.

6 THE CHAIRMAN: To your knowledge was there
7 any strike recently in New York of pilots?

8 THE WITNESS: Mr. Lowe told me there has
9 not been any strike in the pilotage field in the United
10 States for more than a century in the organized pilot-
11 age service of all the member groups of the American
12 Pilotage Association.

13 THE CHAIRMAN: By a strike you mean a
14 stoppage of work?

15 THE WITNESS: Yes.

16 MR. LALONDE: Your lordship, it is one
17 minute to five and before tackling the French system,
18 I think we have travelled extensively enough for one
19 day.

20 THE CHAIRMAN: We will stand adjourned
21 until ten tomorrow.

22
23 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

24 TUESDAY, THE 14TH DAY OF

25 JANUARY, 1964.

26 * * *

27

28

29

30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

VOLUME No.:

95 A

DATE:

Jan. 14, 1964

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the International
Aviation Building, Montreal,
Quebec, on Tuesday, the 14th
day of January, 1964.

C O M M I S S I O N

The Honourable Mr. Justice Bernier - Chairman

Mr. Robert K. Smith Member

Mr. Harold A. Renwick Member

Mr. Gilbert Nadeau Secretary

COMMISSION COUNSEL

Mr. Maurice Jacques

PRESENT

Mr. J Richards for the Canadian Merchant
Service Guild

Mr. J. Brisset, Q.C. for the Shipping Federation
of Canada

Mr. Marc Lalonde for the Federation of St.
Lawrence River Pilots;
Corporation of the Lower
St. Lawrence Pilots; the
Corporation of the Montreal
Harbour Pilots; the Corpor-
ation of the Mid-St. Law-
rence Pilots; the Corpor-
ation of the St. Lawrence
River and Seaway Pilots;
the Corporation of the
Upper St. Lawrence Pilots.

* * * * *



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ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Montreal, Quebec
Tuesday
January 14, 1964

11779

MR/RPS 1 French

2 ---ON COMMENCING AT 10:00 A.M.

3

4 ANDRE BEDARD, Recalled

5

6 DIRECT EXAMINATION BY MR. LALONDE (CONTINUED):

7

8 Q. Mr. Bedard when we adjourned
9 yesterday, or just before we adjourned we heard a summary
10 explanation on the French system. Would you be kind
11 enough to proceed on this subject this morning please?

12 A. Pilotage in France is at present
13 governed by a law dated March 28th 1928 and I would
14 like to quote Article 1 of the French law whereby
15 pilotage consists in the assistance given to masters
16 of a ship by staff commissioned by the State for the
17 guiding of ships entering or going out of harbours;
18 in harbours and other maritime waters or channels or
19 seaways.

20 It is a system which one might say is
21 more or less similar to the German system and also some-
22 what similar to the American system because there again
23 pilots are considered as being free contractors who
24 are paid according to fees which are based on the
25 tariff per ship. The fees in France vary according
26 to the gross tonnage of the ships. The Merchant Marine
27 Minister has the authority over piloting and he
28 delegates his authority to a head pilot who is appointed
29 by the Minister but who is generally selected amongst
30 the pilots who are actually working and amongst the



1 French

2 oldest pilots of the station concerned. Sometimes he
3 is a retired captain or an ocean-going captain or a
4 naval officer but this is rather infrequent and when
5 there has been cases when such persons were chosen,
6 the administration wasn't very pleased because the
7 local, the knowledge of local circumstances of those
8 people is not as good as when one chooses a pilot from
9 the various stations.

10 Therefore, this is being more or less
11 discontinued and in most cases the head pilot is a
12 pilot from the station. There are places where there
13 are few pilots. In that case the administrative power
14 has been delegated to an employee of the Government
15 who deals with the running of the harbour from the
16 administrative point of view, customs, and so on, and
17 at that time it is only a question of supervision over
18 three, four, or maybe as many as ten pilots. Therefore,
19 the system does not have to be as thorough as it is
20 in such harbours as Marseilles or Le Havre. There
21 there are many more pilots.

22 Pilots get either double tariff or
23 single tariff. There may be a double tariff, that is
24 a tariff to cover administrative expenses on the one
25 hand and a tariff to cover the fees of the pilots on
26 the other hand, or there may be a single tariff with
27 which one pays, first of all, the administrative
28 expenses and what is left is divided into the common
29 pool, or common fund for the pilots as their income.

30 Q. What is the prevalent system in



1 French

2 France as regards tariff?

3 A. The prevalent system in the
4 majority of the great harbours is the single tariff
5 system but pilots are the owners of all the equipment,
6 all the floating equipment and also the equipment of
7 the pilotage station. They buy the material and
8 equipment. They provide for the depreciation cost and
9 they contract the staff.

10 As we have stated yesterday, pilotage
11 is compulsory for all ships which are mechanically
12 propelled after 150 gross tons and also for the sailing
13 boats of more than five tons and there exists a
14 regulation whereby it is stated that ships may have
15 pilots of their choice. That is, the master of the
16 ship is free to choose his own pilot but in that case,
17 under Article 5, it is stated that the tariff to be
18 paid will be paid to the pilot who is the first one
19 and then arrangements have to be made by the pilot
20 who is contracted, which means that he can give one
21 tariff to the pilot who should have gone and then have
22 a special arrangement with the pilot whom he will
23 actually employ.

24 Pilots make their own collection, trade
25 union of pilots. It is so because each pilot belongs
26 to a trade union and they are interested in the
27 collection of pilotage dues. However, the locals
28 are responsible for the payment of these dues by
29 ships.

30 The candidate pilots are chosen by the



1 French
2 Minister of Merchant Marine after competition and today
3 the rule is that if you want to become a pilot you
4 must be an ocean-going captain in the big station.
5 In the smaller station it isn't so important. The
6 periods of training are determined according to each
7 station. They can vary according to the size of the
8 harbour. In Marseilles, for instance, where the pilot-
9 age is restricted to an area of four to six miles, the
10 pilot will have little trips back and forth but in
11 Le Havre, for instance, the training period must be
12 done accompanied by licensed pilots and at that time
13 the future pilot gets very little remuneration.

14 It is provided by law that one can be
15 an apprentice pilot only between 24 years of age and
16 35 years of age. If you are older than 35 years of age,
17 you cannot get a pilot's licence. As regards retire-
18 ment, this is usually after 25 years of service
19 However, we are told that the average age of retired
20 pilots in France was 57 years and the system which is
21 used is that pilots are given one-third of the income
22 of their colleagues who are still working. I think
23 I explained this system yesterday at length and I can't
24 dwell on it any more today.

25 As regards the disciplinary powers, they
26 are entrusted to the head pilot of the station. He
27 has power of reprimand. He has the power of blame and
28 he has the power of imposing a suspension up to ten
29 days. Then if he recommends a fine or a suspension
30 for a longer period of time, this has to be approved by



1 French

2 the Minister, the Merchant Marine Minister but the
3 pilot can always appeal and give explanations, together
4 with his legal adviser.

5 Q. What about the cancelling or the
6 revocation of the pilot licence?

7 A. He can appeal to the Minister,
8 to a higher court of justice.

9 Q. Is the head pilot authorized to
10 determine about the taking away of a licence from a
11 pilot?

12 A. No, he is not. It is also
13 provided under the law that fines up to 360,000 francs
14 can be given. That is about \$100. Imprisonment from
15 six to fifteen days for anyone who would have been
16 suspended and would still come to pilot a boat.

17 In the organization of the local stations,
18 the Merchant Marine Minister delegates powers to what
19 is called the Commercial Assembly. This Assembly
20 consists of 16 members, two of whom represent the
21 shipowners; two of whom represent the pilots. The other
22 members are selected amongst the members of the Board
23 of Trade usually and they have the power of discussing
24 about the limits of compulsory pilotage area; about the
25 number of pilots, the equipment and material, and
26 also about tariff and organization.

27

28

29

30



/PB/RPS 1 French

2 It presents recommendations to the
3 Ministry, the Merchant Marine Ministry. There is
4 also a Board of Trade which doesn't -- it is a
5 corporation of public law and it has say when there
6 are some disputes and the Minister has final say.

7 Q. Do these commercial centres have
8 anything more than advisory capacity?

9 A. No, they have only advisory
10 capacity.

11 Q. Once you have recommendations
12 made by the Commercial Assembly or the Trade Assemblies
13 these recommendations are transmitted to the Merchant
14 Marine Minister; is that so?

15 A. Yes, if there is a change in
16 tariff there would be a Ministerial decree adopted to
17 make legal the amendment to the tariff.

18 Q. Article 19 of the French law;
19 is that so?

20 A. Yes.

21 Q. How is the organization, the
22 administration of running the pilotage station?

23 A. The pilotage station is organized
24 under the leadship of the head pilot. It is up to
25 him to see the simple running, the taking turns of the
26 pilots, giving pilots to the ships and for having
27 discipline maintained.

28 Q. The monies from the pilotage dues
29 are put in a common fund?

30 A. Yes. That is the rule in France,



1 French

2 that the pilotage dues after administrative expenses
3 have been covered are put in a common fund or pool and
4 are divided among the pilots.

5 Q. So that the pilots were the owners
6 of the material and equipment and were responsible
7 for the administration of the equipment. Is there
8 any control whatsoever over the expenditure incurred
9 by the Pilots' Association to buy materials, for instance?

10 A. It is provided that the Trade
11 Assembly has the right to check the material goods of
12 the pilots which is a sort of restriction, a supervision
13 imposed on them. Apart from that it is completely
14 left to the professional trade unions.

15 Q. There are some advisory powers
16 given to the Commercial Assemblies?

17 A. Yes, these are advisory powers.

18 Q. As regards the retirement, I
19 think you explained yesterday exactly the way things
20 stood.

21 A. The pilot who would have to go
22 away from the pilotage station because of bad weather
23 conditions and have to disembark in another harbour
24 in a remote harbour is entitled to various indemnities,
25 indemnity of travel which is three point five tenths
26 of new francs per kilometre plus expenditures, plus
27 accommodation and food plus a daily indemnity which is
28 set by local authority. For Le Havre, for instance,
29 the local daily indemnity would be \$7.04, that is
30 thirty-six point ten new francs. If we take travelling



1 French

2 indemnity of a ship doing five knots the remuneration
3 for a day of 24 hours would be \$42. These are approx-
4 imate figures, but it would give you an idea of what
5 happens if a pilot cannot disembark at the usual place
6 and if he is on a ship of fifteen knots. His
7 daily indemnity would be about \$15 in that case.

8 In other words it is interesting that
9 when there are special cases, bad weather, a pilot
10 has stayed unfortunately for 12 hours on board in a
11 case of fog, if he stays on board ship for more than
12 12 hours he is given a special remuneration. The
13 law provides that pilots must be the owners of the
14 equipment of the station. There is no other restriction.

15 Q. Article 29 of the French law?

16 A. Yes.

17 Q. Your lordship, I have with me
18 a copy of local regulations. First of all I have the
19 statutes of the trade unions of pilots for Le Havre.
20 I have also the statutes of the Association of Pilots
21 in Le Havre and also the local regulations and the
22 Ministerial decree dated March 11th, 1959 for the
23 pilotage station at Le Havre. All these documents deal
24 with the one main pilotage station there. I also
25 have a document about Dunkirk pilotage station. That
26 is a recent regulation dated March 14th, 1962. I would
27 like to say that I think it would be interesting to the
28 Commission to read these documents.

29 THE CHAIRMAN: Yes. We will file them
30 as a bundle as Exhibit 876.



1 French

2 MR. LALONDE: Should I repeat those
3 titles?

4 THE SECRETARY: That is all right.

5
6 ---EXHIBIT NO. 876:

7 Statutes of trade unions
8 and local regulations of
9 the pilots of Le Havre;
10 statutes of the Associa-
11 tion of Pilots of LeHavre;
12 local regulations and Min-
13 isterial decree dated March
14 11th 1959 for the pilotage
15 station at Le Havre.
16 All these documents deal
17 with the one main pilotage
18 station. Included also
19 is a document about the
20 Dunkirk pilotage station,
21 a recent regulation dated
22 March 14th, 1962.

23
24 MR. LALONDE: Q. Would you like to add
25 anything else about the French system at once or shall
26 we deal with the Italian system now?

27 A. There is just one thing I would
28 like to add. I suppose the Commission is aware of the
29 fact that on February 22nd, 1962 through a Ministerial
30 decree a Committee was set up to study pilotage problems
in the maritime waters in France. We have been given
a draft report from this Commission which Mr. Nadeau,
I believe, has.

THE CHAIRMAN: There is another thing
which you have mentioned, the head pilot or the master
pilot is chosen among the local pilots, generally?

THE WITNESS: He is appointed by the
Minister.



1 French

2 THE CHAIRMAN: It is done in law.

3 THE WITNESS: The law itself enunciates
4 who will be head pilot.

5 THE CHAIRMAN: For how long is he
6 appointed?

7 THE WITNESS: He is appointed until he
8 retires.

9 THE CHAIRMAN: Does he still belong to
10 the group at that time?

11 THE WITNESS: He becomes a civil servant.
12 He is not a member of his group any more. Mr. Warasse
13 told us we are not quite sure what was the status,
14 was he ^a pilot or Government employee because he was
15 appointed by the Government.

16 MR. LALONDE: Q. How is the head pilot
17 reimbursed in France?

18 A. He is paid out of fund collected
19 by the pilots plus, usually, a percentage, 10 or 15
20 per cent more than the ordinary pilot.

21 THE CHAIRMAN: But he is not submitted
22 to any control from the pilots?

23 THE WITNESS: No, he is not elected by
24 the pilots. He is appointed by the Minister.

25 THE CHAIRMAN: This is better for
26 carrying out discipline.

27 THE WITNESS: What happens usually he
28 work in co-operation with the trade unions of
29 professional pilots.

English 30 COMMISSIONER RENWICK: That extra remuneration,



1 English

2 10 or 15 per cent, is that paid by the Crown?

3 THE WITNESS: By the pilots.

French 4 (THROUGH THE INTERPRETER.)

5 Q. Is the administration of the
6 material and equipment carried out by the Pilots'
7 Association or by the head pilot?

8 A. By the trade union pilots.

9 Q. Is a local role played by the
10 head pilot, an administrative role first and foremost
11 or is it a supervisory role?

12 A. Both, I would say.

13 Q. You might refer the Commission to
14 the relevant article of the French law which outlines
15 the duty of the head pilot.

16 A. Article 16, page 33. I might
17 read it out, if you like. I haven't got the text with
18 my, unfortunately.

19 Q. I think Mr. Nadeau has the text
20 of the French law.

21 A. Here we are.

English 22 COMMISSIONER SMITH: Captain, in connection
23 with the head pilot, is that the system that is
24 recommended pretty closely in your recommendations?

25 THE WITNESS: It is more like the chief
26 pilot in the German pilotage administration than the
27 French. The Germans elect their own chief pilot. He
28 is also president of their corporation or association.
29 The French don't elect their chief pilot. He is
30 appointed by the Minister, Merchant Marine Ministry.



1 English

2 THE CHAIRMAN: And he is severed from
3 the group then.

French 4 (THROUGH THE INTERPRETER.)

5 THE WITNESS: Article 16 they talk about
6 the chief pilot. This is the text:

7 In the stations where there exists
8 a chief pilot his authority is exercised
9 over all the details of the service, the
10 implementation of the regulations, the
11 internal organization, the distribution
12 of the work amongst the pilots, the
13 interviews with the staff. He decides
14 on the terms of service and gives leaves
15 of absence. He watches over the member-
16 ship, the maintenance and the use of
17 material and equipment of the station.
18 He meets with the administrator of
19 L'Inscription Pilotage and gives him
20 an account of all the expenses in the
21 course of the service and transmits
22 immediately any reports concerning
23 accidents at sea and points out to him
24 any professional mistakes which might
25 have been made by pilots. He supervises
26 the pilotage fund.

27 He usually takes, if necessary,
28 by agreement with the pilots, any
29 councilatory measures which are necessary
30 in the interests of the station.



1 French

2 THE CHAIRMAN: As regards remuneration,
3 is it based on the income of the pilots?

4 THE WITNESS: Yes.

5 THE CHAIRMAN: Is it proportional to
6 the income of the pilots?

7 THE WITNESS: Yes.

8 THE CHAIRMAN: It is interesting for a
9 pilot to become a chief pilot.

10 THE WITNESS: Yes, because it is
11 based on the income of the pilots plus a percentage.

12 THE CHAIRMAN: In Canada I don't
13 think there are many pilots who would be interested
14 in becoming a chief pilot.

15 MR. LALONDE: Q. Are the pilots entrusted
16 with the collection of the pilotage dues?

17 A. It is done by the trade union.

18 Q. The chief pilot just watches over
19 the way the collection of the pilotage dues is done?

20 A. Yes, this Article says that the
21 pilot watches over or supervises.

22 Q. Is their investment limited to
23 pilot boats only?

24 A. No, there are other things as
25 well. The pilots very often in Le Havre do one-way
B2 26 pilotage for a distance of about 35 miles to Ville Queir,
27 halfway between Le Havre and Rouyn along the same river.
28 The pilot that goes from Le Havre from Ville Queir, when
29 he gets to Ville Queir there would be a car to take him
30 back to Rouyn. The car belongs to the trade union. The



1 French

2 pilot who would have to go to Ville Queir would go down
3 by car and it will also be a car, of course, belonging
4 to the trade union. Therefore the pilot is the owner
5 also of a small fleet of cars, as well as pilot boats.

6 Q. Did you hear any comments from
7 the French authorities about the system of chief pilot
8 such as it exists in France? Did you hear anything
9 about it according to when the pilot was a former
10 pilot or when the administration was done by another
11 person?

12 A. Yes. We have heard reports from
13 Government representatives in this respect. We were
14 told that generally they were terribly pleased when
15 it was a pilot that took over. When it was an appointment
16 which was a political appointment, so to speak, when
17 somebody ^{was} appointed because he is retired from another
18 Department they found the administration was rather
19 deficient.

20 Q. You said yesterday you visited
21 stations along the Seine River, Rouyn and Le Havre.
22 Did you meet the chief pilots at that time?

23 A. Yes.

24 Q. Were they former pilots or were
25 they people coming from other professions?

26 A. Both places they were former
27 pilots.

28 Q. After your interviews with these
29 people and with the pilots themselves could you say
30 a few words about the nature, so to speak, of the



1 French

2 relationship between the Association of Pilots and the
3 chief pilot, are they very close relationships or are
4 they restricted to certain places?

5 A. These are very close and friendly
6 relationships. When the chief pilots were chosen for
7 those stations they tried to have people who were
8 competent and had the respect of their pilots. In
9 Rouyn the chief pilot is a former president of the
10 Professional Trade Union. Therefore, he enjoys the
11 esteem of all his colleagues and there is thorough
12 co-operation between the pilots and the head pilot in
13 the station.

14 Q. I think we will have an opportunity
15 to come back to the details of the system. Mr. Bedard,
16 can you briefly now say a few words about the Italian
17 system?

18 A. The Italian pilotage system
19 has not been as thoroughly studied by us as the French
20 one. It is free enterprise where the pilots themselves
21 are entrusted with more or less the whole of the
22 administration. There is compulsory pilotage for
23 all Italian harbours with ships of tonnage of 500 gross
24 tons. The retirement plan as I explained yesterday is
25 based on the income of pilots when there are necessary
26 funds available. They can take up to a maximum of 2.5
27 per cent of the gross income of pilots to be paid out
28 to retire pilots.

29 Q. During your trips to France and
30 Germany have you had the opportunity to talk with the



1 French

2 administrative authorities about criticism or grievances
3 which the administrative authorities might have to
4 present towards systems in these two countries?

5 A. Yes. Germany, for instance, we
6 were told that there were two or three points where
7 they would like to change certain aspects of the law.

8 Q. Can you elaborate?

9 A. We talked with Mr. Kurt Graft, the
10 representative of the Government. Mr. Graft told us
11 the period of three years for a chief pilot in
12 Germany wasn't a long enough period. The administrators
13 have very good competence but it was too short to
14 change every three years and the pilots thought that
15 the period should be extended up to five years instead
16 of three years. There is also a case where there is
17 a pilot who upon the recommendation of the disciplinary
18 committee had to be suspended. His licence was
19 annulled. He appealed to the Civil Court and his
20 licence was given back to him. There was probably a
21 deficiency in the law there because it wasn't the
22 sort of person wanted in the job.

23 I think there is another case that
24 slips my mind.

25 Q. Was it an important point as far
26 as you remember? You can have a look at your notes
27 if you like.

28 A. It wasn't an important point. As
29 regards the administration in France, there is a
30 Commission entrusted with the study of the matter and it



1 French

2 doesn't seem that major changes are being contemplated
3 in France. The question was under study at one time,
4 they wanted to put in a common pool the money of the
5 administration expense, the renewing of equipment and
6 so forth as sometimes a pilotage station has no money
7 for the renewing of equipment and sometimes they have
8 to borrow money. Certain people thought it might be
9 possible to set up a central fund where all of this
10 money would be deposited and then pay to each station
11 and that would make it possible for the other stations
12 to borrow money from that common fund.

13 Q. Did you have the opportunity to
14 speak to Mr. Graft in Germany about the position of
15 shipowners?

16 A. Mr. Graft told us that the ship-
17 owners were very satisfied with the pilotage service.
18 In all places we visited they told us the services were
19 too expensive. That was the general consensus of
20 opinion wherever we went to. There are certain recommend-
21 ations which might bring about certain minor modifications
22 in the French law. There was a possibility envisaged
23 to have the limit of exemptions brought from one
24 hundred and fifty gross tons to five hundred gross tons
25 which means, of course, very small ships as regards
26 their net tonnage. There is also mention one could
27 suppress these certificates of pilot, master -- captain,
28 pilot. For ships of 500 tons and less that there was
29 no exemption, that a means should be found to alleviate
30 the financial burden of these ships as regards their



1 French

2 pilotage expenses, also a rule should be made to
3 abolish selective pilots.

4 Q. What we call special pilots here?

5 THE CHAIRMAN: Is there occasionally
6 special pilots?

7 THE WITNESS: There may be for one
8 particular line, but he can also take on other lines.

9 THE CHAIRMAN: There may be a special
10 pilot in special circumstances, in adverse conditions
11 and the company should be in a position to select
12 the pilot themselves.

13 THE WITNESS: The company selects the
14 pilots for all their ships. This exists in Dunkirk
15 and Le Havre. It is suppressed anywhere else.

16 MR. JACQUES: In all the place which
17 you have visited is there a rule which makes it possible
18 for the pilot authority, the people who do the
19 dispatching to send in certain cases one pilot rather
20 than another pilot who would have more experience
21 than the average pilot about such and such a manoeuvre?

22 THE CHAIRMAN: In other words are they
23 limited to the tariff pilots?

24 THE WITNESS: I don't remember exactly
25 whether there is a special rule in this respect. I
26 don't think so. I don't remember by memory anyway.

27 MR. LALONDE: Q. In all the places
28 you visited did you say there was a rule applied which
29 is a rule of taking pilots?

30 A. Yes, this system is applied practically



1 French

2 everywhere, the system of taking pilots, more or less
3 everywhere.

4 Q. Mr. Bedard, if you agree we are
5 now going to proceed to the study of the recommendations,
6 the particular recommendations and maybe later on some
7 points of the laws which you have mentioned will be
8 brought up again in the future.

English 9 COMMISSIONER SMITH: Excuse me for
10 interrupting but this fits in here. In the recommend-
11 ations of the Federation it speaks about the chief
12 pilot. It goes on to speak about his role and then
13 it says he assumes the duties presently undertaken by
14 the local supervisor. I understand in France and in
15 Germany the chief pilot there assumes the equivalent
16 of those duties in structural set-up system?

17 THE WITNESS: Yes sir, that is correct.
18 The German assumes the responsibility that the local
19 supervisor has here, for instance, and he also is
20 president of his Association. In France the chief
21 pilot assumes the responsibility somewhat equal to the
22 local supervisor here but he is not a member of the
23 Board of Pilotage Committee of his Association, for
24 instance.

25 MR. LALONDE: It is fair to say that
26 the chief pilot in France assumes the role equivalent
27 to the local supervisor here since you mentioned before
28 that the administration of the material, the station is
29 in the hands of the Pilots' Association itself, not
30 supervised like it is here?



MR/RPS 1 English

2 A. That is correct. The pilot there
3 being the owner of the floating material and the shore
4 material, they administer that. The chief pilot who
5 is designated by the Government doesn't have any
6 administration of any of that material.

7 Q. He would have a kind of supervisory
8 role on the administration of the material itself?

9 A. That is correct.

10 THE CHAIRMAN: In other words, in
11 Germany the chief pilot is still a member of the
12 organization while in France, by the fact of the
13 appointment, he is no longer a member?

14 MR. LALONDE: That is right my lord
15 and in Germany the chief pilot really both, let us
16 say, leads his group and is responsible for the whole
17 administration; while in France he has more of a kind
18 of supervisory role over the administration which is
19 undertaken by the Pilots' Association. There is a
20 small difference between -- there is a very important
21 difference between the chief pilot in Germany and a
22 chief pilot in France as far as the administrative
23 function of it is concerned.

24 THE WITNESS: If you would allow me,
25 I would like to be corrected by our able counsellor
26 if this is wrong, but I believe that in France the
27 chief pilot, once he retires from being a chief pilot,
28 is still entitled to the pension of one-third of the
29 revenue of an active pilot.

30 THE CHAIRMAN: Provided he is a pilot?



English

THE WITNESS: Provided he was a pilot
on that station before his appointment.

(THROUGH THE INTERPRETER.)

CROSS-EXAMINATION BY MR. JACQUES:

Q. Mr. Bedard you mentioned two
exemptions in relation to the vessels. Do you think
that the vessels of different States or different
Governments are exempted from the obligation of taking
a pilot on board or paying the pilotage dues?

A. You mean a war vessel?

Q. No, I mean a coastal vessel.

A. In France nothing is exempted
except this exemption for 15 hundred tonnage vessels.

Q. Elsewhere?

A. In Britain all Her Majesty's
vessels are exempted.

MR. LALONDE: It is compulsory pilotage
in Germany. It is compulsory pilotage as provided
for in the law.

A. It is compulsory pilotage as
provided by the law but it is in effect compulsory
only in the Kiel Canal for vessels of more than 500
tons.

Q. And Holland and Belgium?

A. Well I think that in Holland
and Belgium, I don't think there are any exemptions for
Government vessels and the pilots are civil servants.

Q. And in New York?



1 French

2 A. In New York -- this is not checked,
3 but through the deduction, I think that those vessels
4 are enrolled vessels so automatically they are exempted
5 from pilotage.

6 Q. And the war vessels of these
7 countries, are they subjected to pilotage?

8 A. In most countries they are not
9 subjected to pilotage. I think in certain countries
10 they are. In France all boats without exception take
11 pilots.

12 Q. Now you told us that certain
13 chief pilots in Germany and France take care of the
14 administration of the tour de role. Were you in a
15 position to notice a difference in the administration
16 of the tour de role between France, Germany and Canada?

17 A. Well the principle is the same.
18 The pilots are all tour de role on the vessels but in
19 certain locations they may be remunerated on a daily
20 basis for the days for which they were available on
21 the tour de role and in other locations, well it's
22 like here, they have a right to an equal distribution
23 if they have equalization in the tour de role but the
24 general rule is the last pilot on service is at the
25 bottom of the list, and then afterwards well he goes
26 up on the list.

27 Q. Now the administration itself of
28 the tour de role, is it more efficient in France and
29 Germany than in Canada?

30 A. I don't see any difference whatsoever.



1 French

2 Q. Now the dispatching, how is the
3 dispatching accomplished in these countries?

4 A. The agents in most countries
5 advise the pilotage station that they need a pilot at
6 a given hour on a vessel.

7 Q. In France and in Germany it is
8 the chief pilot who is advised about it?

9 A. Or his clerk in the station.

10 Q. And the station has employees as
11 here?

12 A. Yes.

13 Q. Is there a person on duty for
14 24 hours as here?

15 A. In certain places there is a
16 staff on duty for 24 hours but one-third or half of the
17 places we visited, especially in England, the office
18 is open from eight in the morning until five in the
19 afternoon and the orders must be through in that time.
20 If somebody forgets, for example, to call for a pilot
21 and when the vessel that is to leave at midnight -- at
22 times there may be an alternative. They may call a
23 pilot or a representative at his home and the arrangements
24 are made directly with the pilot, but this is an exception-
25 al case.

26 Q. In England the dispatching station
27 is closed at night?

28 A. Not all of them but most of them
29 are closed. Most of them are open from eight to five.

30 Q. In France then?



1 French

2 A. Some are open later in the daytime
3 and others are open 24 hours a day, but I can't tell
4 you the exact ratio.

5 Q. Is there any staff as here,
6 dispatchers, and so forth?

7 A. Yes.

8 Q. And in Germany?

9 A. The same thing. In Germany it is
10 open 24 hours a day.

11 Q. And there is always somebody at
12 the dispatching office?

13 A. Yes. In Hamburg and other stations
14 I don't know what happens.

15 Q. Are these stations equipped with
16 radio-telephone?

17 A. Very seldom.

18 Q. Are pilot boats equipped with
19 radio-telephone?

20 A. Yes.

21 Q. Are the communications limited
22 between pilot boats and the vessels that have to be
23 piloted?

24 A. Yes. The radio-telephone is
25 used only for pilotage purposes.

26 Q. How are the communications done
27 between the pilot boat and the pilotage station if the
28 pilotage station is not equipped with radio-telephone?

29 A. It may be done with another pilot
30 boat at the wharf. At times they have a change-over of



1 French

2 pilot boats. Some of them are along the wharf and
3 go into the Maritime Seine or to enter Hamburg you
4 have some pilot boats replacing one another, so that
5 is a possibility.

6 Q. So you have not studied that
7 matter thoroughly?

8 A. No.

9 Q. Do these pilot boats have a similar
10 duty to ours? That is air-sea rescue?

11 A. In most cases they are available
12 for air-sea rescue and the same thing applies for
13 Trinity House.

14 Q. Do the pilots criticize this
15 duty which is imposed on pilot boats?

16 A. No, not to our knowledge.

17 Q. Are the foreign pilots from all
18 these countries, have they made any comments regarding
19 the installation of radio-telephone in the pilotage
20 stations themselves?

21 A. Yes. They made favourable comments
22 but there are certain locations where the comments
23 may be favourable and other places where this radio-
24 telephone is not necessary. Everything is dependent
25 upon the type of pilotage station. For example, if
26 you go upstream at Hamburg, this would not be necessary
27 but if the pilotage station is the first station near
28 the sea, of course radio-telephone would be more
29 necessary.

30 Q. Is the dispatching accomplished from



1 French

2 one given centre or is it done, as it is here, from
3 two centres? One at both ends of the District, for
4 example, like Escoumains-Quebec?

5 A. Well everything is dependent.
6 Whenever the pilots are going one-way, well usually
7 only one station is controlling, but if the pilotage
8 is done both ways, then the both stations do the
9 dispatching. Do you understand what I mean?

10 Q. Now pilotage stations, could you
11 please tell me where these pilotage stations are
12 located usually? Inside the towns or outside?

13 A. Well usually in the harbour.

14 Q. What are the facilities for the
15 pilots at these stations?

16 A. Well they vary a great deal. At
17 certain locations it's just an office. Other places
18 it's practically a hotel. There are some beds, meals
19 served, and so forth.

20 Q. And who pays this maintenance
21 cost?

22 A. In Brunsbuttel the big station
23 which is halfway between the sea and Hamburg are
24 paid with the rates for administration purposes.

25 Q. Do the pilots have to contribute
26 to them?

27 A. Well they contribute for meals.
28 They have a cafeteria there and they pay for their
29 own meals but the maintenance of this station itself
30 is done with the funds of the administration rates.



1 French

2 Q. And in France and Germany the
3 employee is doing the dispatching and they are employees
4 of the pilots?

5 A. Yes. They are paid with the rate
6 of pilotage in the pilotage earnings.

7 Q. Now insofar as discipline is
8 concerned, have you studied or did your lawyer study
9 the procedure that was followed in the case of discipline?

10 A. Well I would not like to anticipate
11 upon the evidence that could be given by my colleague.

12 MR. LALONDE: I am going to file detailed
13 By-Laws in the case of discipline in Germany. I am
14 having them transcribed at the present time. Perhaps
15 there might be recommendations regarding discipline.

16 THE CHAIRMAN: There is a question I
17 would like to ask regarding France where even farmers
18 are going on strike. According to you were there any
19 strikes recently in France amongst pilots?

20 THE WITNESS: There was one strike
21 in 1960 in the Seine district and according to what
22 we could find out it was caused by the tariff problem
23 and at that time the pilots refused to undertake any
24 nighttime pilotage. They went on doing pilotage in
25 daytime and the whole matter was settled 30 days later.

26 Q. I am coming back to the pilot
27 boats. Have these pilot boats a certain supply of
28 food on board?

29 A. Yes, and it is paid with the
30 pilotage tariff.



1 French

2 Q. Are the pilot boats subjected
3 to inspection as is the case with ours?

4 A. Yes.

5 Q. Are they licensed to carry passengers
6 or pilots?

7 A. To carry pilots. When these
8 pilot boats are built, they are built with the approval
9 of the interested parties and even the supervision
10 of the building of these boats -- we will see a pilot
11 delegated by the group in order to supervise the
12 building of the boat.

13 MR. LALONDE: Perhaps you would elaborate
14 regarding the construction experience of the recent
15 pilot boats in Germany?

16 THE WITNESS: These pilots boats, many
17 of these pilot boats are anchored in the North Sea and
18 vessels approach them and when they are nearby either
19 the pilot boat goes to dock or if it is too big, well
20 there is a launch that patrols between the pilot boat
21 and the oncoming vessels and this means that you will
22 have some harbours, such as Hamburg where the traffic
23 is quite heavy and you are going to have some fifty
24 pilots who will be on board the pilot boat at a given
25 time until the vessel is coming upstream on the river.

26 Q. There are certain pilots who stay
27 on board vessels as is the case, for example, for the
28 pilots at Les Escoumains on board the CITADEL?

29 A. More so than for the CITADEL.
30 Most of the time this CITADEL did not anchor off the



1 French

2 coast and the pilots in Germany can stay on board the
3 vessel for a week.

4 Q. Do they complain about that?

5 A. No, because they don't stay for
6 a long while on the pilot boat. They can sleep there
7 and eat there.

8 Q. How can a pilot who has to go on
9 board a vessel -- how can he reach the pilot boat?
10 Is there a boat servicing between the pilot boat and
11 the shore?

12 A. Your question would be, for
13 example at one point you would have a surplus of
14 pilots? There is a service, a special service for
15 that.

16 THE CHAIRMAN: For boats going downstream?

17 THE WITNESS: Well you are going to have
18 some pilots embarking at Brunsbuttel and are going on
19 the pilot boat. There is a vessel coming from the
20 sea, coming upstream and at one point you may have
21 an imbalance of the traffic so what occurs, for example,
22 if there are too many pilots on the pilot boats, certain
23 pilots are sent to the shore.

24 Q. Was there an established system
25 about that?

26 A. We did not go in the field to
27 study that matter.

28 MR. LALONDE: It might be interesting
29 to note here that in Germany, in Hamburg there are
30 pilot boats even with helicopter platforms and the pilot



1 French

2 boat was supplied actually at sea when it was anchored
3 under the stress of weather.

4 THE CHAIRMAN: In other words, the
5 pilot boat is more or less a floating pilotage station?

6 MR. LALONDE: Which at time may come
7 back to land or for supplying boats but it may stay
8 at sea for about 15 days. I think that the same system
9 exists in New York also with launches going to the
10 pilot boat stations off Sandy Hook.

11 THE WITNESS: Yes, you have the same
12 thing at the entrance up to the Thames and at Le Havre
13 you have this same thing and in Rouen.

14 THE CHAIRMAN: This is a system that
15 may have advantages because this way the vessels do
16 not go too near the coast where the access is difficult.
17 Of course they have deeper draught.

18 MR. LALONDE: Due to the fact also that
19 certain of these vessels have to remain 15 miles at
20 sea and, consequently, need to be powerful vessels and
21 a higher tonnage so naturally if these vessels had to
22 do the work of a launch about 15 times, then the cost
23 would be prohibitive.

24 Q. Do you have figures regarding the
25 workload of foreign pilots?

26 A. Yes.

27 Q. This will be handed in to the
28 Commission but in order to complete what you have
29 said about pilot boats, could you please tell us in
30 France and Germany and England for how long a pilot



1 French

2 remains on board off the coast?

3 A. Well I am going to check in my
4 notes.

5 Q. Now the crews of these pilot boats,
6 how are they paid?

7 A. They are paid with the tariff.
8 The German pilots have released themselves of the
9 responsibility of hiring the crews. They have hired
10 rather an enterprise which looks after their crews
11 for the pilot boats and they pay that enterprise
12 directly.

13 Q. Do you think that the Pilot
14 Corporations which are owners of fixed or floating
15 equipment and who hire employees, do these Corporations
16 provide for pension funds or other fringe benefits
17 for their employees?

18 A. Yes, in certain cases.

19 Q. In which cases?

20 A. There are cases but I have not
21 checked them and I am not sure just by memory now.
22 I cannot elaborate.

23 MR. LALONDE: Is it not true that one
24 should limit, first of all, the case when the crew
25 of a pilot boat is crewed by apprentices or candidate
26 pilots?

27 Q. In other countries like France,
28 Belgium, Great Britain, is it true to say that the
29 members of the crews of the pilot boats serve an
30 apprenticeship period?



1 French

2 A. This is in only two places where
3 this was applied: New York and Liverpool.

4 Q. What comments did you hear from
5 the pilots about this system, if any?

6 A. The pilots seemed to be pleased
7 with the system.

8 Q. Was it a pilot who himself had been
9 an apprentice?

10 A. Yes, that is so.

11 Q. In New York and Liverpool did
12 you get in touch with shipowners or masters of boats
13 to know whether they were satisfied with the system?

14 A. No.

15 Q. Thank you.

16
17 RE-DIRECT EXAMINATION BY MR. LALONDE:

18
19 Q. Yourself, what is your point of
20 view about this system existing in New York and
21 Liverpool?

22 A. I don't think one can do a very
23 good apprenticeship aboard a pilot boat. I think it
24 is better to -- I think the idea behind it is to have
25 inexpensive labour.

26 MR. JACQUES: Would you dare to say that
27 these pilots are not as competent as the river pilots?

28 THE WITNESS: No, no certainly not.
29 But what I mean to say is you have a youngster there
30 and part of his time he spends with us with an experienced



1 French

2 pilot on board a boat. A pilot boat, that might be
3 useful but it would be much more useful if this
4 young man were to be brought on a real ship if he
5 wanted to become an officer or whether he could be
6 entrusted to the care of a licensed pilot.

7 THE CHAIRMAN: There is a difference
8 according to whether it is piloting in a harbour or
9 on a river. I think in a harbour if you are on the
10 pilot boat, it can be a good experience because you
11 go to each and every quay and you can learn a lot, but
12 as regards downstream piloting or if the boat is going
13 to go back and forth, that doesn't teach you a lot.

14 THE WITNESS: I don't say that this system
15 is now very bad but I think it has got very serious
16 disadvantages.

17 Q. My colleague, Mr. Richard, suggests
18 that there might be an apprenticeship system having
19 apprentices on the ferry boat in Quebec for two years.

20 THE CHAIRMAN: There is a lot to learn
21 on a ferry boat from Quebec, with these streams and
22 the ice and the wind and the fog, and so forth.

23 MR. JACQUES: Of course with boats like
24 the QUEEN ELIZABETH, the UNITED STATES, and so forth,
25 some of them have served their apprenticeship on these
26 now small pilot boats.

27 MR. LALONDE: I think we are going to
28 embark on an argument. My colleague has a rather
29 irrelevant argument. He has not proved the value of
30 the pilots at Sandy Hook is derived from the fact that



1 French

2 they have spent many years washing the decks of pilot
3 boats. They may be very competent indeed. We don't
4 question it but the question is to know where did they
5 learn how to become so competent. There is another
6 point which the witness will be able to give evidence
7 on.

8 In the New York Harbour the coasting
9 entirely, and the manoeuvring is done by specialized
10 pilots. This was pointed out yesterday.

11 THE WITNESS: That is so.

12 MR. LALONDE: When there are strikes,
13 it might be done by the master of the ship.

14 THE WITNESS: I would say that when there
15 had been strikes, it is the policy of the master to
16 pilot the ship.

17 MR. LALONDE: We are going to have to
18 trust to what we read in the papers.

19 Q. You have mentioned earlier several
20 times Mr. Bedard that the Belgium system was that of
21 a civil servant system. Is it not true that there are
22 several exceptions? At least one of them where they
23 are being mentioned?

24 A. Yes. In the Antwerp Harbour all
25 the quays are within locks and within these locks there
26 is sight pilotage, called the sight of brabo pilots.
27 These pilots sail the ships from the locks but there
28 is a river pilot which brings the ship as far as the
29 lock and then within the locks the harbour pilot will
30 guide the boats to the quays and you may have to go



1 French

2 through another lock. They are sea contractors. They
3 have set up a company in which the pilot and the
4 shipowners are the owners and the pilotage -- and also
5 the other people, the linesmen -- their tariff is
C3 6 established according to the length of the ship. The
7 longer the ship the higher the pilotage tariff but
8 also depends on the distance. The tariff consists
9 of two sectors.

10 THE CHAIRMAN: Did you visit this
11 harbour?

12 THE WITNESS: Yes.

13 THE CHAIRMAN: Did you see that there
14 were special difficulties or that there was usual
15 work like a sea-going sailor could do?

16 THE WITNESS: No, there was special
17 difficulties particularly for a sea-going sailor because
18 a sea-going sailor will find it difficult to take his
19 boat through a lock. You have to be specialized to
20 do so. Once he has gone through the lock, there is
21 no more stream; go through the harbour and that should
22 not be very difficult, as far as the streams are
23 concerned anyway, but you have to be very careful
24 because there are quays all along the route and of
25 course you have to exert great control in the entrance
26 and going out on boats.

27 MR. JACQUES: In all your trips which
28 is the district, strictly speaking, which looks most
29 like your own District?

30 THE WITNESS: The most similar district



1 French

2 might be that of the Elba but we have not studied the
3 actual geography of each place. We have not sailed
4 in all the harbours. We have met with pilots and
5 harbour representatives but we have not actually
6 piloted or we have not accompanied pilots in their
7 pilot boats, and so on and so forth. We have not
8 studied the rivers themselves.

9 THE CHAIRMAN: You would still be there
10 if you had?

11 THE WITNESS: Yes.

12 Q. Before we enter into the details,
13 could you briefly sum up the administrative procedures
14 suggested in your brief, rather than dealing with
15 one recommendation after another; about the administrat-
16 ive structure?

17 A. It is suggested, first of all,
18 that the Transport Minister be the pilotage authority.
19 That this authority be partly delegated to a commissioner
20 and this commissioner would be partly responsible
21 for local supervision but in turn the pilot himself
22 of course would take over some of the supervision.

23
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2 The Parliament would have the duty
3 to limit, to establish the limits of the pilotage
4 districts, and would also have the power to grant
5 exemptions to certain ships. The Minister would
6 be empowered to review any requests for increase or
7 decrease in tariff, would have the power to suspend
8 temporarily pilot licences, to grant pilot licences
9 and he would be the intermediary between the Cabinet
10 to have decrees passed about any changes in the pilotage
11 tariffs.

12 I think the pilotage commissioner would
13 be a high civil servant with responsibility and income
14 corresponding to Deputy Minister. We should have
15 somebody there who would be responsible for the
16 supervision, without having to go through all the series
17 of stages until we get to the Minister.

18 Q. About certain points only because
19 on other points the commissioner would be the final
20 authority?

21 A. The pilotage commissioner could
22 deal with certain questions with the Minister. This
23 commissioner could have two assistants. We thought
24 it advisable to limit our proposal to the number of
25 two assistants in order not to have a high scale of
26 civil servants and to have to go up a lot of scales
27 before one could reach the decision. This office would
28 therefore consist of the commissioner and two assistants
29 and the main duty of this office would be
30 statutory rather than administration. We suggest



1 French

2 if the commissioner is not himself a former pilot and
3 has no maritime knowledge one of the two assistants,
4 at least, should be an expert in maritime problems.

5 Besides, if the commissioner himself is someone who has
6 knowledge of maritime problems one of his assistants
7 should be a legal expert and another one should be
8 an accounting expert. It will be important to have
9 somebody who will be understand audits, balance sheets
10 and so on and so forth which will be submitted by the
11 pilotage station.

12 Q. I am sorry to interrupt you,
13 you mention in your brief, paragraph 418 that there are
14 only two civil servants dealing with 500 pilots in
15 France. Did you check it yourself?

16 A. Yes, that is correct.

17 Q. And in Germany there is one
18 civil servant and two assistants for 830 German pilots.

19 A. Yes.

20 Q. You said yesterday that the high
21 civil servant would only devote 70 per cent of his
22 time to this subject.

23 A. That is correct. Then we have
24 reached a certain stage where powers would be granted
25 to Government, powers of the Minister. Between the
26 Minister there is the Commission and his two assistants
27 and then finally we reach the administration per se
28 of pilotage in each District. For that we propose
29 that the pilots should nominate amongst themselves
30 for a three-year term a president or chief pilot who will



1 French

2 also have administration duties for the service, because
3 at the present time they don't have such responsibilities.
4 This chief pilot would be on duty in the station and
5 it would take all of their time.

6 This chief pilot will have to administrate
7 the tour de role, receive any complaints regarding
8 discipline, complaints regarding the quality of the
9 service itself and this chief pilot would have power
10 to sort of correct the situation. Whenever there is
11 a complaint regarding discipline each District should
12 have a Disciplinary Committee and this Disciplinary
13 Committee should be composed of pilots or other persons
14 outside of the pilotage field, but this Committee should
15 exist under the laws and should have the powers which
16 we will enumerate later on.

17 To have a democratic system in the case
18 of the Disciplinary Committee we provide that the ruling
19 of the Disciplinary Committee could be appealed to the
20 Commissioner of Pilotage. In the cases of suspension
21 an appeal to the Minister is provided.

22 THE CHAIRMAN: You provide in your
23 system in the case of the Disciplinary Committee --
24 what if it wouldn't follow its duty, for example.
25 Certain questions of discipline and also security are
26 involved and naturally the public is interested in
27 that.

28 THE WITNESS: The Pilotage Commissioner
29 has the right to see all the cases and he has the right
30 to see the President of the District does an efficient



1 French

2 job of administration, and if there is complaints
3 regarding the administration he has the right to assume
4 other powers in order to check the new President and
5 if this isn't done he will have the right to place
6 somebody in charge of the station and then we ask
7 that a certain consultation be made with the regional
8 or national Association of Pilots.

9 THE CHAIRMAN: If I made that comment
10 it is due to the fact that in most professional
11 association such as the Bar, for example, when you have
12 a small local group you have a great deal of risk
13 that no discipline whatsoever may be applied, but
14 when you have a bigger Association, Montreal or Quebec
15 then your chances are greater because those who are
16 interested in the disciplinary matters are more
17 independent and further from those who need to be
18 disciplined, but when you have a little group of
19 ten, fifteen lawyers, well, it seems to raise a moot
20 point.

21 THE WITNESS: Well, that is one of
22 the reasons for which we had decided that the Disciplinary
23 Committee should not be composed exclusively of pilots.
24 In certain locations we requested a lawyer or
25 judge or a pilot from another District be on the
26 Disciplinary Committee.

27 THE CHAIRMAN: Or retired pilots.

28 MR. LALONDE: Q. I understand that what
29 you have referred to, Mr. Bedard, is in paragraph 426
30 of the Federation report and we find similar things in



1 French

2 the German system and this is Article 36, paragraph 5
3 of the German pilotage law.

4 A. We also provided that the pilot
5 should be entrusted with the pilot boats. This
6 doesn't mean that we ask that the pilots be owners
7 of these boats. I think this should be a part of the
8 duty of giving the service, and if a pilotage station
9 thinks it would save money if it gave this service
10 to independent firms, as exists in Quebec, well, I
11 think that the best service is the less costly one
12 and consequently it should have the priority over other
13 less efficient and more costly services and consequently
14 we ask that the pilots have the responsibility of
15 it and the equipment is the property of the Canadian
16 Government, whether it is rented or sold to the pilots.

17 THE CHAIRMAN: In other words that would
18 take us back into the older system where the pilot
19 was supplying everything.

20 THE WITNESS: Yes. Now, insofar as
21 this new plan is concerned we foresee the tariff as it
22 exists at the present time for a running arrangement
23 of the pilots and a tariff that should cover administrat-
24 ive cost.

English 25 COMMISSIONER SMITH: Captain, excuse
26 me if I interrupt, but before you get too far away
27 from the Ottawa scene, do I understand the Federation's
28 recommendation to be substantially this: the statutory
29 Governor-in-Council and Ministerial authority to
30 remain but all the administration aspects of pilotage be



1 English

2 lifted from the Ottawa scene and placed in the District
3 under the authority that you mentioned.

4 THE WITNESS: That is correct.

5 COMMISSIONER SMITH: Is that the only
6 difference, the taking away of the administration leaving
7 all the other authority there, statutory, Governor-
8 in-Council and Ministerial as it is today?

9 THE WITNESS: That is part of it.
10 The pilots are taking over all the administrative
11 responsibility as well as giving the service and the
12 responsibility of supervising would be left in the hands
13 of one man and two assistants and he would be there
14 to protect the public interests in case that the
15 administration by the pilots would be deficient.

16 Of course, there is a matter of paying
17 for the administration. Today is it being paid for
18 by public funds and we suggest that

19 MR. LALONDE: Partly paid for by
20 public funds.

21 THE WITNESS: Partly paid for because
22 the users pay a good part on the pilot boat and dues
23 and so on. We suggest all this be covered by tariff.

24 COMMISSIONER SMITH: But in the main all
25 the authority that now exists in Ottawa remains in
26 status quo?

27 THE WITNESS: Yes.

28 COMMISSIONER SMITH: Apart from
29 administration?

30 THE WITNESS: Yes. The Minister of



1 English

2 Transport is still the pilotage authority, and even more
3 we are asking that the limits of the Districts be
4 defined in law. Today only two Districts in Canada
5 have limits defined in the law. We are asking all
6 Districts in Canada be defined in the law.

7 MR. LALONDE: At the same time while the
8 Minister remains the pilotage authority there would be
9 certain functions which would be delegated wholly to
10 the Commissioner for pilotage?

11 THE WITNESS: Yes. What we have in mind,
12 this Commissioner for pilotage would hold hearings
13 on instances where there is request for changes of the
14 tariff and he hears the parties concerned and then
15 renders some advice to the Minister. We have in mind
16 by this procedure that the parties concerned should be
17 able to air their views and make strong points on what
18 they are thinking, and then this Commissioner of
19 Pilotage along with his advisers is to make the
20 decision and he refers to the Minister for Order-in-
21 Council.

22 We don't see the Minister as the man
23 the pilots or the shipowners should rush to and ask
24 him to reverse the decision of the Commissioner. He
25 should have strong power. The Minister is there to
26 protect but not as the man who is to look into the
27 tariffs and the settling of the problems. The
28 Commissioner should have strong responsibility and
29 be able to advise the Minister on these points.

30 THE CHAIRMAN: Later on at a given point,



1 English

2 during argument, I suppose, you will be in a position
3 to discuss other recommendations. I was under the
4 impression that it had been recommended that it be
5 decentralized in the same way as it has been done
6 for the National Harbours Board with local commissions
7 and a central commission or something similar has
8 been suggested. Naturally you will have time to
9 discuss it when the time comes.

French 10 MR. LALONDE: In order to proceed with
11 order and swiftness, my lord, perhaps what we could
12 do would be to state the recommendations one by one
13 right off and ask the witness if he has any additional
14 comments aside from those contained in the brief and
15 if the Commission has any questions to ask regarding
16 the recommendation. It could be done, but I don't
17 see how interesting it would be for the witness to
18 repeat what is already written in the brief in support
19 of each recommendation.

20 THE CHAIRMAN: The cross-examination
21 will be later on?

22 MR. LALONDE: I think we should have
23 direct examination on each recommendation and then
24 proceed with the cross-examination in the ordinary
25 way. I think there are some explanations to come later
26 on and so forth.

27 THE CHAIRMAN: We will have a recess.

28
29 ---A SHORT RECESS.
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1 ---FOLLOWING THE SHORT RECESS:

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3 MR. LALONDE: Mr. Bedard, in the brief,
4 paragraph 403 recommendation 1 reads as follows:

5 "The Governor General in Council
6 "retains its powers to adopt Orders-
7 "in-Council concerning the tariff, on
8 "the advice of the Minister of Transport,
9 "who in turn acts upon the recommendation
10 "of the Pilotage Commission".

11 Do you have anything to add to the
12 comments which appear in the following paragraphs to
13 what you have already said?

14 A. No, I would simply repeat the
15 Commissioner should be someone who would settle the
16 problem of tariff, would go very deep into the matter
17 and suggest decisions. The Minister should take the
18 advice of the Commissioner who would serve as a sort
19 of intermediary for an Order-in-Council. There may be
20 a question of safety. There might be a possibility
21 the Commissioner might be biased or wouldn't be very
22 objective. It is a very remote possibility. It is sort
23 of a supplementary protection for all parties concerned.

24 Q. Recommendation No. 2:

25 "The Minister of Transports remains
26 "the political authority responsible for
27 "pilotage. He is the link between the
28 "Commissioner of Pilotage and the Governor
29 "General in Council; he is the authority
30 "which issues and revokes licences on the



1 French

2 "recommendation of the Commissioner of
3 "Pilotage or the body charged with
4 "inquiring into maritime accidents. He
5 "can revise the decisions of the Commissioner
6 "in matters of pilotage tariff, exemptions
7 "from compulsory pilotage, changes in the
8 "limits of a District, or the establishment
9 "of a District of pilotage."

10 Do you have any comments to make on this
11 paragraph?

12 THE CHAIRMAN: What is the paragraph number?

13 MR. LALONDE: Q. Excuse me, paragraph
14 410, page 170 of the English text. I note first of all
15 that there are a series of decisions from the Commissioner
16 which can be revised by the Minister but later you come
17 up with a number of notes that will be sent to
18 Parliament and the number will depend on the final
19 jurisdiction of the Minister himself.

20 A. That is correct. As regards tariffs,
21 the maximum is still the responsibility and will be
22 submitted to the Cabinet for an Order-in-Council, and
23 in that case I don't think it is necessary as has been
24 done in certain American States and certain countries to
25 have an act of the Government passed to amend the tariff.
26 Certain amendments may be of a very minor nature, very
27 small amount of money but for an important amount, amend-
28 ment it would be quicker and more efficient to have it
29 done by Governor in Council.

30 THE CHAIRMAN: Like in the United States,



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2 for example, where everything goes through Congress or
3 Parliament. It must take a long time. From a practical
4 point of view it must be very difficult to have minor
5 changes made.

6 MR. LALONDE: In the United States on the
7 Great Lakes the amendments are not adopted by the
8 Congress.

9 THE CHAIRMAN: I know, but the American
10 system proper. The system of the Great Lakes is hybrid.

11 MR. LALONDE: Q. The Parliament of
12 course will be responsible for questions of major
13 importance, changes of the Districts and so forth.
14 Recommendation No. 3, paragraph 414, the Pilotage
15 Commissioner. This recommendation is divided up into
16 several paragraphs:

17 "a) A new position is created: that
18 "of the Commissioner of Pilotage; it
19 "replaces all the other positions and
20 "functions relating to pilotage in the
21 "Ministry of Transport; it consists of
22 "a rank and salary equivalent to that
23 "of a Deputy Minister. The Commissioner
24 "is appointed by the Governor General
25 "in Council and retains office at the
26 "pleasure of His Excellency. He must
27 "be a Canadian citizen who is fluent
28 "in both English and French".

29 Any comments on this point?

30 A. Counsel must be thoroughly aware that



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2 in our recommendations the man's powers that they have
3 supervision because in case there is a deficiency then
4 there is a real power to act.

5 Q. Then coming to the next paragraph,
6 paragraph 423B, the general powers of the Commissioner.

7 A. When we set our recommendations we
8 have also taken into account the fact that the Pilotage
9 Commissioner should be appointed for various parts of
10 the country. We thought, for instance, at one time that
11 we might have one for the eastern coast, one for the
12 Great Lakes and one for the western coast. We realized
13 that we were going to create once again a sort of scaling
14 and thought if we had proposed that system the Commissioner
15 who was acting in one area would consult with other
16 Commissioners in other areas for possible conclusions
17 or other possible repercussions.

18 Therefore in the light of our experience
19 after our trip and after having seen how it worked just
20 like Germany and France where the staff is limited to
21 two or three persons with a number of pilots larger than
22 we have here we thought one Commissioner for the whole
23 of Canada would be an ideal situation.

24 THE CHAIRMAN: In those countries they
25 don't have the distance we do.

26 THE WITNESS: No, but with such rapid
27 means of communication this isn't that important.

28 THE CHAIRMAN: We realized that this year.
29 In the United States we can't compare the situation with
30 ours. Pilotage is done on a State-to-State basis. Each



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2 State is responsible for the organization of pilotage.

3 MR. LALONDE: You mentioned in your
4 evidence you didn't think necessarily the Commissioner
5 should be somebody having maritime experience.

6 A. Not necessarily inasmuch as his
7 two assistants would have some knowledge, thorough
8 knowledge of pilotage.

9 THE CHAIRMAN: The best example you have
10 of this is the judge of the Admiralty Court to whom
11 technical advisers are already added.

12 MR. LALONDE: Q. Paragraph 423B:

13 "The general powers of the
14 "Commissioner consist of supervising
15 "the efficiency and safety of the pilot-
16 "age service. The corporations or
17 "associations of pilots submit to him
18 "detailed annual financial statements
19 "concerning the administration of
20 "pilotage itself. In cases in which
21 "a District does not obviously meet the
22 "appropriate standards of efficiency
23 "and security the Commissioner possesses
24 "the necessary powers to remedy this
25 "situation."

26 A. Here when we mention corporation
27 or association we cover all the groups of pilots, since
28 the Saint John, New Brunswick pilots have no charter
29 or constitution. It is just a group who co-operates.
30 It is a general term here when we mention corporation or



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2 association.

3 Q. At paragraph 426 you elaborate the
4 point you have mentioned the power of the Commissioner
5 to suspend in certain cases administrators for inefficiency.

6 A. We also notice that the pilots have
7 full accounting of their financial statements and this
8 is one of the reasons that we are asking one of the
9 assistants to the Commissioner be an expert in this
10 field.

11 MR. LALONDE: Paragraph 427C:

12 "The basic by-laws of the corporations
13 "concerning the operation of pilotage
14 "are also subject to the approval of the
15 "Commissioner; further, the corporations
16 "must submit, for approval, their
17 "annual budgets outlining the general
18 "expenses of administration relating
19 "to pilotage itself. These expenses and
20 "those by-laws of a purely internal
21 "nature do not fall under the jurisdiction
22 "of the Commissioner".

23 A. The expenses for administration
24 purposes are collected according to the administration
25 tariff and should be approved by the Commissioner whilst
26 the common fund or common pool would remain as is the
27 case today the business of the pilots.

28 Q. Now, you mentioned an annual
29 budget yesterday in your reference regarding especially
30 German experience. You mentioned the possibility of having



1 French

2 a budget for an extended period of time.

3 A. Yes, the annual budget for
4 general expenses, and naturally whenever there is a
5 pilotage station which forecasts a high cost expenditure,
6 for example, the purchase of new equipment, either
7 floating or land equipment, I think a long-term budget
8 should be established which would provide, for purposes
9 of depreciation and also purposes of accumulating the
10 necessary funds in order to provide for any changes.

11 Q. In other words you have a distinction
12 between what is basic by-laws and by-laws of a purely
13 internal nature. In paragraph 428:

14 "By basic by-laws we mean the
15 "by-laws corresponding to the present
16 "general pilotage by-laws of each District,
17 "adopted by the Governor-in-Council".

18 A. Yes.

19 Q. Paragraph 430D:

20 "The Commissioner sit in appeal
21 "from the decisions of the local committees
22 "of discipline and he has the power to
23 "impose a suspension for a maximum period
24 "of two years and/or a maximum fine of
25 "\$2,000. He can also recommend to the
26 "Minister that the licence of a pilot
27 "be revoked. Further the Commissioner
28 "can appoint assessors in disciplinary
29 "matters. The fines when collected are
30 "placed in the pension fund of the



1 French

2 "Corporation in which the pilot is a
3 "member, if such a fund exists or,
4 "if not, in the Consolidated Revenue
5 "Fund of Canada".

6 A. Here the Commissioner has wide
7 powers when he gives a suspension for a maximum period
8 of time for two years or maximum fine of \$2,000.
9 According to many colleagues suspension is not the
10 best possible means of correcting a pilot for discipline.
11 If the pilot is withdrawn for a period of six months
12 perhaps he will get back to work rusty and that his
13 colleagues will have more work to do.

14 THE CHAIRMAN: At any rate he receives
15 half his wages.

16 THE WITNESS: With the exception of
17 things like intoxication and so forth.

18 MR. LALONDE: Q. It is only insofar
19 as the Quebec group is concerned?

20 A. Yes, and the power of penalty today
21 for the local supervisor is restricted to \$40. I think
22 this is slightly farcical because we have provided
23 the high penalty of \$2,000.

24 This doesn't mean that the Commissioner
25 will apply this high fine for minor offences, but he
26 has the power to impose the fine in order to correct
27 certain men who violate or breach a rule.

28 Q. You have spoken about \$40 with a
29 maximum of \$200.

30 A. The local supervisor can impose a



1 French
2 fine of \$40.

3 Q. According to the Canada Shipping
4 Act the Pilotage Authority at the present time has the
5 authority to impose a fine of \$200.

6 A. \$300.

7 Q. There seems to be a difference
8 between counsel and the witness. Civil responsibility
9 is \$300 whilst penalty is \$200.

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2 Owing to the fact that you have decided
3 to delegate a greater part of administrative power to
4 the pilots has also had a part to play in the high cost
5 of administration?

6 A. Yes. We are going to find out
7 later on that on the local basis we have a power of
8 fine, and the Commissioner will have a greater power
9 of fine. He may review the decision of certain discipline
10 committees. For example, when the discipline committee
11 has imposed a fine, well the Commissioner may impose
12 a higher fine.

13 Q. Paragraph 435(E):

14 "The Commissioner convenes public
15 "hearings concerning all requests for
16 "a revision of the tariff, the changing
17 "of the limits of a District, the creation
18 "of new Districts, and exemption from
19 "compulsory pilotage. In all cases,
20 "he renders a written and motivated
21 "decision, and copies are dispatched to
22 "the parties concerned. A copy is also
23 "sent to the Minister of Transport to
24 "whom the interested parties can appeal
25 "from the decision of the Commissioner.
26 "In the case of a revision of the tariff,
27 "if the Minister approves the decision
28 "of the Minister, he transmits it to the
29 "Governor-in-Council, for adoption by
30 "Order-in-Council. In cases involving



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2 "exemptions, changing of the limits of the
3 "District or the creation of new Districts,
4 "if the Minister approves the decision
5 "of the Commissioner, he brings it to the
6 "attention of the Cabinet with a view
7 "to the adoption by Parliament of the
8 "necessary amendments to the Act."

9 A. According to this new procedure
10 of the public hearings, everybody can voice his opinion
11 and have recourse to arguments that may be favourable
12 to their case. When the Commissioner makes a written
13 motivated decision that he gives to the parties concerned,
14 if there is conflict between different parties, the
15 parties will know why a given ruling has been made
16 and may be able to explain to their membership or to
17 the parties concerned exactly what occurred.

18 Once more, it is mentioned that these
19 decisions are transported to the Minister of Transport
20 to whom the parties concerned may appeal the Commissioner's
21 decision. Once more, the power exists in the case of
22 abuse, but without envisaging there where it would be
23 a new echelon where everybody will complain to the
24 Minister every time the Commissioner makes a ruling.
25 The ruling should be taken as being final, in most
26 cases and I think that if he makes a written motivated
27 ruling to the parties concerned, there are many appeals
28 that can be avoided.

29 THE CHAIRMAN: Experience has shown that
30 whenever there is a means to appeal, and that the appeal



1 French

2 is free, automatically the losing party appeals which
3 means that if a system was established there should be
4 another element which would provide for the avoiding of
5 such occurrences.

6 In the United States, for example, in
7 criminal law the condemned party has the right to appeal
8 and then the State pays for the appeal costs so auto-
9 matically in all cases they appeal.

10 MR. LALONDE: If we look at the experience
11 in the different Canadian administrative commissions,
12 and even Provincial commissions which have similar
13 powers, whether it is the Tariff Commission or the
14 Governors of Radio and T.V. Commission, whether it is
15 any commission, any other Federal commissions, the
16 decisions of these organizations are recommendations
17 to the Governor-in-Council, in most cases, and a certain
18 tradition has been established, practically speaking,
19 to the effect that the Governor-in-Council will very
20 rarely interfere or alter the decision of these
21 commissions. Naturally, this does not keep the parties
22 concerned from putting the matter to the Minister but
23 the tradition is such that unless there is a serious
24 error on the part of the Commission, the political
25 authorities will not interfere in those decisions.

26 THE CHAIRMAN: If there is an appeal to
27 a court, for example, regarding the decision of the
28 Commissioner, well then the costs for appeal are paid
29 by the losing party so this would be a means. For
30 example, in regards to income taxes, the Income Tax



1 French

2 Committee there is an appeal to the Exchequer Court.

3 MR. LALONDE: Yes. In the text that
4 follows this recommendation, the word "appeal" used
5 here is not of the same type as an appeal in the case
6 of a ruling. This is only a request to the Minister
7 in order to review the Commission's decision. There
8 is no formal procedure that would be established to
9 that effect.

10 THE CHAIRMAN: I think it would be
11 advisable to always have a means to appeal or a means
12 to review. It should not become an abuse, but it
13 would be advisable.

14 MR. LALONDE: According to this recommend-
15 ation it would be. For example, if a party felt an
16 injury, it could write a letter in order to appeal or
17 have the Commissioner's decision reviewed. There would
18 not be a new case. For example, in the last analysis
19 it would be the procedure that is followed at the
20 present time by many Federal commissions.

21 THE WITNESS: In the case of exemptions
22 or change in the limits of the District, or the creation
23 of new limits, we ask that this be accomplished by the
24 Government through an Act and we think that as safety
25 factor is involved in here it should be studied thoroughly
26 and when this new Act on Pilotage will be prepared,
27 I think that on the viewpoint of exemptions and
28 Pilotage Districts, certain recommendations will be
29 made.

30 Before there is a change brought about



1 French

2 in such a vital point in the organization of pilotage,
3 I think that it should be protected by an Act, that
4 changes or amendments be not brought about as rapidly.

5 THE CHAIRMAN: In Quebec, for example,
6 you have the practical change that has been done from
7 Point au Pere to Les Escoumains and you are still
8 responsible for the pilotage in Rimouski and you don't
9 do or accomplish the pilotage there so there are two
10 sides to the question.

11 THE WITNESS: The pilots never urged that
12 a new Act be submitted to Government in order to change
13 the Districts in the Pilotage District.

14 THE CHAIRMAN: I understand, but just
15 the same there is a situation existing at the present
16 time which is not quite legal and should we go before
17 Parliament in order to ask the Parliament, which sits
18 a lengthy period, ask them to adopt an Act specially
19 to that effect?

20 MR. LALONDE: At any rate, the Canadian
21 Shipping Act has been amended on a few occasions ever
22 since there has been that change from Point au Pere
23 to Les Escoumains.

24 THE WITNESS: It seems that draft has
25 not been presented in order to change that.

26 MR. JACQUES: There is also the problem
27 of St. Lambert Lock; that has to do with that matter,
28 as the Montreal District is defined in the law.

29 MR. LALONDE: And that of Cornwall is
30 not defined in the Act.



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2 Q. You talk about written motivated
3 decision and you refer, I think, to a system which is
4 similar to the administrative system used in the United
5 States at the present time?

6 A. Yes.

7 Q. You complain, at the end of
8 paragraph 436 that there were certain cases where
9 amendments to the pilotage by-laws of the District are
10 often enacted without informing the pilots of what is
11 taking place. On several occasions they have only been
12 advised of certain amendments months after their
13 adoption.

14 To your knowledge does that ever occur
15 on the St. Lawrence?

16 A. Yes. In the Seaway an Order-in-
17 Council to that effect has been enacted and the pilots
18 learned about it only a few months later on that a change
19 had been brought about.

20 THE CHAIRMAN: In what case?

21 THE WITNESS: Between Kingston and
22 Cornwall.

23 THE CHAIRMAN: Regarding what?

24 THE WITNESS: Well perhaps we could try
25 and find this Order-in-Council and give all the details.

26 Q. It regarded the District limits
27 for the Seaway District, for the Cornwall District;
28 Montreal-Cornwall.

29 Paragraph (F), paragraph 442 page 178:
30



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2 "In matters other than those
3 "mentioned in the preceding paragraph,
4 "the Commissioner is not bound to hold
5 "public hearings. Except in cases of
6 "the changing of the tariff, exemptions
7 "from compulsory pilotage, the changing
8 "of the limits of a District or the
9 "establishment of new Districts, and the
10 "annulment of a licence, the decision
11 "of the Commissioner is not subject to
12 "review by the Minister."

13 A. Here the Minister is freed from
14 administrative responsibility whereas it was not the
15 case formerly.

16 Q. Paragraph 444, page 179(G):

17 "The office of the Commissioner must
18 "not be considered as an administrative
19 "organism but rather as a supervisory
20 "one. The Commissioner would not need
21 "more than two assistants."

22 You refer to the French experience,
23 German experience and also the situation in Washington
24 about pilotage on the Great Lakes. I think the Commission
25 is also more up-to-date than the witness on this
26 matter, after a trip to Washington. There is nothing
27 provided here as to the Secretary, the stenographers,
28 the typist. Paragraph 447, recommendation No. 4,
29 consultative committee, page 180 in the English text.

30 (a) "The Commissioner is assisted by a



1 French

2 "consultative committee of four members,
3 "of which two are appointed by the
4 "pilots of Canada, and two others by
5 "the shipowners. If the shipowners or
6 "the pilots find it impossible to choose
7 "their representatives, the Commissioner
8 "can organize a vote among the pilots
9 "or shipowners to select these members."

10 Do you have anything to say about this
11 consultative committee?

12 A. Yes. The consultative committee is
13 going to help the Commissioner and advise him in the
14 case of changes which he might decide to propose and
15 in the case impartial advice is requested we think that
16 there should be representatives of shipowners and pilots
17 who will not be identified as being strictly pilots or
18 shipowners. They should be people getting together
19 trying to find a solution to a common problem without
20 representing parties, as such.

21 This advice must be given to the Commissioner
22 on a confidential basis, whether it comes from the
23 shipowners or the pilots and the people who have given
24 advice would not have to give account to either the pilots
25 or the shipowners on this advice.

26 We think, however, that the representatives
27 should be appointed by pilots and shipowners and in the
28 case they could not come to an agreement within them-
29 selves, in the case they cannot appoint a Commissioner --
30 they could not appoint their representatives, then at that



1 French

2 time the Commissioner can organize an election. If the
3 pilots cannot do it themselves, then the Commissioner
4 is entitled to hold a vote.

5 Q. Paragraph 450, paragraph (B):

6 "The members of this committee are
7 "elected for three years, and their
8 "mandate is renewable. To assure
9 "continuity, two members shall first
10 "be elected for two years, and the others
11 "for three years. Elections will be
12 "held following the expiration of the
13 "mandate of each of these two groups."
14 And then paragraph 452(C):

15 "The Commissioner must convene this
16 "committee at least once a year. The
17 "powers of the committee are, however,
18 "strictly consultative and the advice
19 "it renders to the Commissioner is not
20 "made public."

21 This is on page 181.

22 A. Yes.. This is on a partial time
23 basis, on a confidential basis as well. The administrator
24 can take into account, can consider or reject advice
25 but this advice will be given by competent persons and
26 unbiased persons.

27 Q. Paragraph 455, page 182(D):

28 "The members of the committee are
29 "remunerated by the Government and
30 "receive an indemnity equivalent to that



1 French

2 "given to part-time members of the various
3 "Federal commissions."

4 A. Yes, they are paid by representatives
5 that represent that particular person, whereas, if they
6 are paid by the Government they would not represent
7 the shipowners as such, or the pilots as such.

8 Q. Recommendation No. 5: Administration
9 by the Corporation, paragraph 457:

10 "The entire local administration
11 "of pilotage is conducted by the
12 "Corporations (or Associations), of pilots.
13 "This includes the administration of the
14 "pilotage stations, pilot boats, tele-
15 "communication services for pilotage
16 "purposes, the dispatching of pilots to
17 "the ships, and the collection of the
18 "pilotage dues.

19 "The Corporations have the
20 "administration of the movable or immovable
21 "property relating to pilotage; they can
22 "be the owners or the leasees of such
23 "property."

24 A. I have already mentioned this
25 problem during my witnessing, and I don't think I have
26 anything to add.

27 Q. Paragraph 465, recommendation No. 6,
28 page 184 in the English text: Financial autonomy:

29 "Each District is financially
30 "independent of the others. The funds of



1 French

2 "a District or of a section of a District
3 "for which there exists a special group
4 "of pilots, cannot be transferred to
5 "another District, or to a section of
6 "such a District."

7 A. This happens if there is a non-
8 efficient administration. We must immediately remedy
9 the situation or mustn't try and overload a District
10 which would be well-administered with the responsibility
11 of a District which would be badly run. I think it
12 will be better to settle the question on the spot.

13 Q. When you say deficient, you mean
14 running at a deficit or badly administered?

15 A. Well both can be applied.

16 THE CHAIRMAN: For example, the pension
17 fund, if you have a pension fund which is running at
18 a deficit one place, it should not be covered by another
19 one which is well-administered.

20 Q. Recommendation No. 7: the chief
21 pilots -- sorry, this rule is almost universally applied
22 in the United Kingdom, France, et cetera?

23 A. That is correct.

24 Q. Recommendation No. 7, paragraph
25 467, page 185 in the English text:

26 "The Corporations are governed
27 "by a Board of Directors composed of
28 "pilots. The president is elected for
29 "three years and carries the title of
30 "Chief-Pilot. In the Districts where shipping



1 French

2 "traffic is heavy and there are a large
3 "number of pilots, the office of Chief-
4 "Pilot will be a full time position.
5 "However, he is permitted to exercise
6 "his profession within the District if
7 "he considers this necessary.

8 "The Chief-Pilot fulfils the role
9 "of president of the Corporation and
10 "he assumes the duties presently under-
11 "taken by the local superintendent.

12 "The chief pilot is not a mere
13 "chairman, but he is vested with real
14 "powers which appertain to him personally,
15 "as well as those powers held by the
16 "Board of Directors.

17 "The Chief-Pilot receives the
18 "highest remuneration made by any
19 "pilot of his District during that year,
20 "increased by 20 per cent."

21 A. Here, since the responsibilities
22 are higher, we provide a higher remuneration for the
23 person responsible. On the other hand, if in some
24 places the pilotage station only covers a small number
25 of pilots, if it is not necessary to have a full-time
26 chief pilot, the pilot will be entitled to do piloting
27 he wants to. You can take the case of a station of a
28 medium size where they have the help of a cost accountant
29 or clerical staff, the chief pilot will have some time
30 free for himself, so that he can do some piloting again.



1 English

2 COMMISSIONER SMITH: I would like to
3 ask a question here. The chief pilot, under this
4 recommendation, receives the remuneration of the highest
5 paid pilot, plus 20 per cent. There have been some
6 pretty lean pickings on the St. Lawrence in times gone
7 by for pilots. Take the war period; I don't have the
8 figures in front of me, but their earnings were away
9 down. In the event of some emergency which would create
10 a similar condition, it would seem to me that this
11 would not be an attractive position for a man with that
12 responsibility.

13 THE WITNESS: I agree with you Mr. Smith
14 on this point but we must consider that this chief
15 pilot is also considered as an active pilot, a member
16 of his Corporation, and he may be called back to do
17 pilotage, if he is not re-elected in this position as
18 chief pilot.

19 There is no doubt that he would not be
20 interested to have such responsibility for a very meager
21 salary, but there might arise conflict also in between
22 pilots and the chief pilot if there was such a big
23 difference in earnings.

24 MR. LALONDE: Could it be said, Mr.
25 Bedard, that even in the meager period, the chief pilot's
26 earnings would remain 20 per cent better or less
27 worse than the lot of the other pilots anyway?

28 THE WITNESS: Yes.

29 COMMISSIONER SMITH: That could be 20
30 per cent of nothing.



English

THE WITNESS: But I must say, Mr. Smith,
that this is a point that had not come to my mind before
today.

COMMISSIONER SMITH: All right. Thank you.
(THROUGH THE INTERPRETER.)

Q. Do you have anything else to add
regarding this recommendation?

A. No, I don't think so.

Q. Recommendation No. 8, paragraph
476: Disciplinary Powers:

"The Corporation is vested with
"disciplinary powers in relation to
"licensed pilots as well as apprentice
"pilots. These powers are exercised by
"a disciplinary committee composed of
"three to five persons, the members of
"which can be chosen from fields outside
"pilotage. In the case of smaller
"Districts, this committee can be composed
"of a single person. Its powers extend
"from the light sanction of reprimand
"to the imposition of a fine of \$500 and
"/or suspension for a maximum period of
"six months. The committee can also
"recommend to the Commissioner the
"imposition of even more severe penalties.
"The decisions of the committee are in
"all cases appealable to the Commissioner.
"The fines collected are placed in the



1 French:

2 "pension fund, if one exists, or if not,
3 "they are turned over to charitable
4 "projects."

5 A. Whenever a disciplinary committee
6 is established within a professional organization,
7 I think that we have responsibilities that are not
8 always pleasant ones but today pilots believe that it
9 would be in the interests of the service that they be
10 the ones to assume these disciplinary powers because
11 it is said, and we are convinced of that, that we may
12 settle certain problems more swiftly than if discipline
13 committees or disciplinary authority is far from the
14 location.

15 If we have a case, for example, of a
16 breach of the professional code, well on a local basis
17 the decision may be made rapidly and thus correct the
18 situation.

19 On the other hand, if the procedure is
20 more complex and is far from the location where the
E3 21 breach was committed, well it takes a long while and
22 the penalty powers could be restrictive and high enough
23 in order to be efficient so there cannot be any abuse.
24 One must say also the pilot concerned, who is called
25 to appear before the disciplinary committee, can still
26 appeal to the Commissioner according to the sentence
27 rendered, and the decision made.

28 At the present time the fines in the
29 pilotage district, where there is a pension fund, are
30 handed over to this pension fund and we think that it would



1 French

2 be advisable to keep this custom, which has always worked
3 well in the past, and when there is no pension fund,
4 we think that this amount should be turned over to
5 charitable projects.

6 Q. I would like to file here, and
7 append, the German text the by-laws of the disciplinary
8 committee or disciplinary by-laws for the Elba River
9 pilots in Germany.

10 THE CHAIRMAN: Exhibit 882, to be
11 appended to the bundle already filed.

12 MR. LALONDE: A French translation will
13 also be appended to this document.

14 Q. In the place where the pilots had
15 the responsibility of local discipline, did the public
16 authority you met complain in any way whatsoever in the
17 way in which the pilots organized that discipline?

18 A. No. The experience we use for
19 our recommendation is that we found out in foreign
20 countries such disciplinary committees went smoothly.

21 Q. And when you interviewed some
22 of these pilots, either in Germany or New York, did
23 the pilots adopt a rather stricter or more lenient
24 attitude regarding discipline?

25 A. Rather strict attitude. In New
26 York State, one of the documents that we have filed
27 yesterday, it is interesting to note that they have
28 a paragraph where a pilot is forced to report any
29 breach to the by-laws. This is a provision which
30 imposes a fine of \$100.



PB/RPS 1 French

2 Q. Did you have an opportunity of
3 asking the New York pilots in order to find out if
4 such a provision has been enforced?

5 A. Yes.

6 THE CHAIRMAN: Naturally it is hard to
7 sort of make a report on a colleague, but I think it
8 is a professional duty. I think that if it was done
9 in every case, I think there would be more discipline
10 than the past.

11 MR. JACQUES: Insofar as New York pilots
12 are concerned if the pilot isn't immediately available
13 whenever he is called to be dispatched to a vessel he
14 is suspended from the tour de role for a period of
15 three days.

16 THE WITNESS: I am not aware of that.

17 MR. LALONDE: Q. Recommendation No. 9,
18 paragraph 481 and following:

19 "The apprenticeship schemes are
20 "the responsibility of each Corporation,
21 "and are subject to the approval of the
22 "Commissioner.

23 "The apprentices must receive a
24 "reasonable remuneration which is to be
25 "paid by the Corporation; these costs
26 "are to be considered costs of administ-
27 "ration.

28 "The examinations are held before
29 "a board composed of an examiner for masters

30



1 French

2 "and mates, the Chief-Pilot and three
3 "pilots of the District appointed by the
4 "Corporation.

5 "The names of the candidates
6 "selected by the Examining Board are
7 "transmitted to the Commissioner who
8 "requests the Minister of Transport to
9 "issue the appropriate pilotage licences."

10 A. The apprentice schemes are the
11 responsibility of each Corporation and subject to the
12 approval of the Commissioner. The Commissioner is in
13 a better position to judge ~~the~~ naturally we think the
14 pilots are in a better position to judge which apprentice-
15 ship schemes would be most efficient. Experience
16 is generally whenever there were revisions made in the
17 apprenticeship schemes in the past years these revisions
18 have been urged by the pilots who have better technical
19 knowledge concerning the developments on board vessels
20 and the pilots who assume their responsibilities had
21 some revisions made in the Montreal and Quebec Districts.

22 We think it is the best possible system
23 in order to protect the continuity of the service as
24 well as the most efficient training possible. It should
25 be determined by people who are always working within
26 a given District, Pilotage District, river or harbour.
27 The apprentices must have reasonable remuneration. It
28 has been said before today that the apprentice pilots
29 who in many cases have licences for foreign-going mate
30 or coastal mate and some of these are married and fathers



1 French

2 of families and receive \$1,500 and \$1,800. We deplore
3 that certain good candidates, applicants to pilotage
4 are not attracted to become a pilot because they have
5 three years during which they have to take care of
6 their needs and of their family and consequently fair
7 remuneration should be given to these future pilots.

8 Let us say these must be taken care of by the administra-
9 tion tariff, and this, of course, would be to the
10 advantage of the continuity of the service.

11 THE CHAIRMAN: We are talking about
12 double tariff, for example, as you have with the pilot
13 boat?

14 THE WITNESS: That is quite true. For
15 example, the charges at Les Escoumains are \$20 to go
16 on board the pilot boat and get off as well. I think
17 the total amount of income, of the excess of income of
18 the pilot boat could be turned over for another sector
19 of administration.

20 MR. LALONDE: Q. Perhaps you could add
21 something as far as remuneration of apprentices are
22 concerned. This is an amount the shipowners agree to
23 pay aside from the pilotage charge without any binding
24 legal proviso at the present time.

25 A. This has been done up until now
26 by the shipowners, members of the Canada Shipping
27 Federation and that is an agreement between the pilots
28 and the shipowners and nothing forces the shipowners
29 to pay that amount. On the other hand the shipowners
30 of Dominion Marine didn't accept to pay such an amount.



French

Q. Does this apply to the Montreal and Quebec Districts as regards the Dominion Marine shipowners that don't pay apprentices?

A. Yes, but there is an exception to the general rule.

Q. Before going on to another recommendation have you anything to add?

A. The examinations are passed before the Board of Examiners and the Board of Examiners are both masters and pilots. This is a kind of protection and then persons belonging to the Department of Transport are there in order to protect public interest regarding pilotage examinations. Finally the Commissioner receives the application for a licence to be issued and the Minister should be there in order to sign the licences and represent the Authority.

Q. Paragraph 495, recommendation No. 10, Pension Funds:

"The retirement plans are left
"to the discretion of each Corporation,
"but are subject to the general by-laws
"applicable to pension funds. The present
"provisions of the Canada Shipping Act
"in this regard must be repealed".

Mr. Guimont gave evidence regarding the pension fund. Do you have anything else to add to his evidence?

A. Yes, I think if the Commission wishes to set up a different pension scheme for example



1 French

2 as in existence in France the United States and Italy
3 where part of the actual pilot's income is paid to the
4 retired pilots-- I think there is something within that
5 principle which brings pension to the pilots because
6 they are taking care of the fact that the devaluation of
7 money would be to their detriment. This is a great
8 advantage in that system, in France, especially where
9 a pilot may have been active before the war and after-
10 wards there was such a great deal of inflation that today
11 he would receive a pension which insofar as buying
12 power is concerned would be minimal. When the pilot
13 was active he contributed to pay the pension of another
14 colleague and today he has a pension which is more
15 adequate and in line with our present era.

16 THE CHAIRMAN: This is a system that
17 seems to be quite good, but there is something else,
18 the income of the pilot is not necessarily in ratio or
19 in line with the cost of living. You have examples
20 of this in the post-war period. On the other hand this
21 system is new and quite interesting.

22 MR. LALONDE: Q. Paragraph 498,
23 recommendation No. 11 retirement age:

24 "Each Corporation can provide for
25 "optional retirement at the age of 60
26 "years; commencing with the age of 65
27 "years, the pilot must submit to a medical
28 "examination twice yearly, and his licence
29 "is only temporary. Retirement is
30 "compulsory at the age of 70 years."



1 French

2 A. The change that would be brought
3 to the Act at the present time is that the Act states
4 that the pilot will work until the age of 65, so we
5 are providing that if a pilot wishes to retire at the
6 age of 60 he would be permitted to do so.

English 7 COMMISSIONER SMITH: If your lordship
8 pleases I would like to ask the witness a question.
9 I should have asked it on a previous recommendation.
10 Captain, as you know there is an Act in Ottawa called
11 the Civil Service Superannuation Act. There are others
12 that come in under that Act/^{who}are not civil servants,
13 a few. For instance I know we were public servants
14 in the National Harbours Board, but we came in under
15 the Act. We were blanketed in so that we got all the
16 benefits and privileges that the civil servants have.
17 My question is this: I know what the feelings of the
18 pilots are concerning becoming civil servants. If they
19 could be blanketed in under that Act by a change of the
20 law amending the present statute would there be
21 any objection on the part of the pilots to coming in
22 under that Civil Service Superannuation Act?

23 THE WITNESS: I am not sure of the
24 implications of your question with this Superannuation
25 Act, exactly, Mr. Smith.

26 COMMISSIONER SMITH: I will tell you.
27 It is an Act that provides pensions for civil servants
28 and others, as I mentioned. It is a contributory scheme.
29 The Government contributes half of all the contributors
30 put into the fund and it is a very generous scheme of



1 English

2 pensions to all those who come under it. I think it
3 is one of the best schemes in the country today.

4 THE WITNESS: Your question would be
5 if a pilot would stay in the status as we now have it
6 as a free contractor paid by tariff then we could
7 benefit from this Superannuation Act?

8 COMMISSIONER SMITH: Be blanketed in under
9 the Act.

10 THE WITNESS: Without change of status
11 for pilots?

12 COMMISSIONER SMITH: Yes.

13 THE WITNESS: If there are advantages
14 there I certainly think pilots would study these
15 advantages.

16 COMMISSIONER SMITH: There would be
17 no objections on account of the name of the Act? It
18 is called the Civil Service Superannuation Act.

19 THE WITNESS: We might ask that they
20 change the name.

21 MR. LALONDE: Q. I should like to raise
22 a point, Mr. Bedard. In the Act which Mr. Smith has
23 mentioned the Government is paying half of the
24 contribution to the pension fund and the question which
25 I would ask is whether you would be agreeable to coming
26 under a scheme of pension where the Government would
27 be paying out of public funds half of your pension
28 contribution or whether you would prefer to have your
29 scheme totally independent like other schemes?

30 A. Well, I think if you can get the



English

money, I believe we can do very well on our own pension scheme by proposed amendments we are asking in this brief. On many occasions we have had insurance companies that have come to the pilots asking them to take over their pension fund, to administer it. I see no reason why pilots should do that if they are under the same law as insurance companies are for pension funds. They can reduce their administration cost by so much and profit by this. It is more advantageous to them to have their own pension fund and administer it as long as you are coming under proper Federal law that gives you ample enough room to invest your money and also to protect you against bad investment.

COMMISSIONER SMITH: All right, thank you Captain.

MR. LALONDE: Q. Paragraph 500:

"The German law on pilotage contains
"identifical dispositions to that of our
"law in respect to the retirement age".
That is Article 21 from the German law.
Recommendation No. 12, number of pilots

"The number of pilots in each
"District is determined by the Corporations
"concerned".
This recommendation is not followed by
comments but it might raise a number of questions. Would
you like to elaborate, please.

A. Certainly. One of our first fears
was that too many pilots might be appointed, that the number



1 French

2 of pilots would become so vast pilots would suffer a
3 decrease in their income. Then they would appeal to
4 the Commissioner to have an increase in their tariffs
5 because they wouldn't have enough money. In the past
6 a long time ago the pilots were left free to decide upon
7 their number, and the Minister of Transport granted
8 increasing number of pilots according to the recommend-
9 ations of the pilots. What happened was the pilots
10 didn't want to have any more competitors. The tendency
11 was to have not too many pilots, to not accept in
12 new pilots. Everybody that wanted to become a pilot,
13 there was political pressure exercised sometimes on the
14 Corporation.

15 I think the danger is real. I know it
16 is easier for us to accept the new pilots and have
17 an increase in the tariff. In my own opinion the
18 protection should be that pilots should not be allowed
19 to make too many trips. I think it is the pilots
20 themselves who will be the best judges to establish
21 the norms. That is how it has been done in Germany,
22 for instance with the General Assembly of Pilots. There
23 is a country, I can't remember which, where there is
24 a different arrangement, the number of pilots was set
25 for the District and then the pilots were told you
26 have 10 per cent allocated to you, it is up to you to
27 use it. You can have either 90 pilots or a hundred
28 and ten, just as you like. This is to provide for
29 abuses or for having too much work, making too many
30 trips or having to deal with people who didn't want to



1 French

2 work. There is a certain leeway left.

3 Q. Recommendation No. 13, paragraph
4 504:

5 "The Corporations are permitted
6 "to conclude all kinds of agreements with
7 "each other with a view to reducing the
8 "costs of operation or increasing the
9 "efficiency of the pilotage service."

10 A. At present the Pilot Associations
11 other
12 in Canada/than the Lower St. Lawrence are not bound
13 with a central group. We believe to reduce administrative
14 expenses two areas like Quebec and Escoumains could
15 get one office instead of having two. It would be a
16 good thing. It would reduce the cost of operation
17 expenditures and be shared out by agreement. You would
18 have a basis in order to reduce expenditures.

19 Q. By agreement between the Corporations
20 in the widest sense of the word. Earlier yesterday you
21 quoted an example of Germany that it was compulsory for
22 the Pilots' Corporations to belong to the German
23 Federation of Pilots. There doesn't seem to be a similar
24 disposition in your recommendation.

25 A. No, we haven't recommended to have
26 this make compulsory. It is from conviction we want
27 them to join.

28 Q. Recommendation 14, paragraph 506
29 Pilotage Legislation:

30 "Special legislation on pilotage
should be adopted, independently of the



1 French

2 "Canada Shipping Act, except that this
3 "new legislation might on occasion refer
4 "to certain Articles of the Shipping Act".

5 In paragraph 510 you indicate this has
6 been recognized in other countries, France, England,
7 Holland, Belgium, Denmark, Sweden, Norway and Germany.

8 A. That is correct. It is stated
9 here that legislation might on occasion refer to Articles
10 of the Shipping Act. It might apply to cases of licences,
11 for instance, for the future pilot to have a special
12 licence as coastal master.

13 THE CHAIRMAN: In the civil code you
14 would say he has to be of age.

15 MR. LALONDE: Your lordship, in the
16 Merchant Navy in Canada there are codes for inquiry
17 cases in maritime accidents. This applies to pilots.
18 There could be a similar provision which would be more
19 specific than direct reference to the civil code.
20 Recommendation 15 might be dealt with later because
21 it will take a long time.

22 THE CHAIRMAN: Before we adjourn the
23 Secretary tells me we have tried to group together
24 legislation and regulations on pilotage for all countries
25 under one number. The only different case is that of
26 Germany where we have two numbers, the Kiel Canal and
27 the North Sea and then the others. The whole thing
28 will be placed under Exhibit 877.

29 MR. LALONDE: No. 882 is cancelled?

30 THE CHAIRMAN: No. 882 is cancelled. What



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1 French
2 was under 882 comes now under Exhibit 877. Exhibit 882
3 is free. There are certain numbers that have been left
4 free because of changes of this nature.

5 We will adjourn until 2:30 p.m.

6
7 ---LUNCHEON ADJOURNMENT.

8

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MR/RPS 1 French

2 ---UPON RESUMING AT 2:30 P.M.

3

4 CONTINUATION OF RE-DIRECT EXAMINATION BY MR. LALONDE:

5 Q. Mr. Bedard we had proceeded to
6 the examination of Recommendation No. 15, which has
7 to do with compulsory pilotage and it reads as folbws,
8 paragraph 511, page 197:

9 "The legislative rule in matters
10 "of pilotage should be changed from
11 "compulsory payment of pilotage dues
12 "to compulsory pilotage, purely and
13 "simply."

14 Mr. Smith examined you yesterday about
15 this matter. Do you have anything else to add?

16 A. Yes. At the present time the law
17 governing the pilotage dues payment being compulsory,
18 renders pilotage compulsory as well and in theory it
19 is always possible for a vessel to go upstream on the
20 River without the help of a pilot, so long as it pays.
21 This is a kind of another way of seeing to it that pilot-
22 age becomes compulsory and I wonder what the reason is and
23 why it would keep this system of payment of compulsory
24 pilotage dues. We have noticed in countries such as
25 Denmark, Suez Canal and Germany, Panama, Italy, France,
26 Norway, Great Britain pilotage is compulsory. Naturally
27 Suez and Panama must be different. In other words,
28 there they have a global tariff which is all-inclusive.

29 Q. You mean there is a tariff or
30 transit?



1 French

2 A. Yes, and it includes the pilotage
3 tariff whilst other countries that I mentioned have
4 compulsory pilotage and a pilot must be used and paid
5 for.

6 Q. Is it not a fact also that Suez
7 and Panama have compulsory pilotage?

8 A. Yes, according to the law but
9 the question I was raising was only as regards the
10 tariff.

11 THE CHAIRMAN: Is the compulsory payment
12 of pilotage dues mitigated, not as absolute as the other
13 and the determining factor is not the question of safety.
14 Where absolute safety is essential, there is compulsory
15 pilotage and where pilotage is needed piloting service
16 must be maintained. It is not absolutely essential, from
17 the viewpoint of safety for all vessels, to hire pilots
18 but it is possible for all vessels to hire the service
19 of a pilot when the conditions are not good. Then you
20 may have certain mitigating cases and another case, it
21 is a service which is not absolutely essential but certain
22 persons might use them and then it will be entirely free
23 pilotage and there might be different varieties. We
24 must not consider only one region, but the whole matter;
25 Canada as a whole.

26 THE WITNESS: From the practical viewpoint,
27 my lord, in France you have certain harbours which are
28 easy of access. In Marseilles, for example, where a
29 vessel can get up to the breakwater and there were no
30 exceptions or even harbours where the access is even



1 French

2 easier. Pilotage is compulsory everywhere. This is a
3 general rule.

4 THE CHAIRMAN: So it has nothing to do
5 with the safety aspect?

6 THE WITNESS: No. In Italy the same
7 thing applies. For example, if you take a canal, such
8 as the Suez or Panama, you can argue on both sides of
9 the matter but there are certain provisions in the law
10 in these locations which imply that pilotage is
11 compulsory so long as a pilot is called on duty. If
12 a pilot is not available, the ship won't be delayed in
13 certain countries.

14 THE CHAIRMAN: Whilst in certain places,
15 where there is absolute pilotage, such as Panama Canal,
16 if there is no pilot the vessel cannot transit?

17 THE WITNESS: Yes, but in France it is
18 mentioned in the Act that pilotage is compulsory so long
19 as a pilot reports to duty.

20 Q. Could you please comment on the
21 list of countries where the rule is that of compulsory
22 payment of pilotage dues only and tell us if, in your
23 mind, these locations would be places where pilotage
24 would be easier to perform or less essential than in the
25 countries that you mentioned previously?

26 A. I am going to mention the names
27 of countries that I have here: Holland, Belgium, Sweden,
28 certain States in the United States and Norway where
29 payments of pilotage dues are compulsory. I will take
30 the first one on the list, which is Holland. To go up to



1 French

2 Amsterdam and Rotterdam there are certain locations,
3 certain areas where pilotage is difficult and even to go
4 up or down you must go through locks and the maritime
5 traffic there is extremely heavy. Of course, the payment
6 is compulsory.

7 Q. Is Rotterdam not the busiest harbour
8 at the present time in the world?

9 A. Rotterdam and Antwerp are at the
10 present time the harbours, the busiest harbours and there
11 is a kind of competition between them.

12 MR. JACQUES: In relation to the answer
13 you have just given, were you in a position to establish,
14 or did you ask what was the ratio of vessels which do
15 without the service of pilots in Rotterdam?

16 THE WITNESS: I couldn't establish that
17 ratio but the answer was that all vessels took pilots
18 on board, as a matter of fact.

English 19 COMMISSIONER SMITH: Captain, in the
20 course of the hearings of this Commission, we have had
21 evidence from pilots that pilots meeting a ship on the
22 River, for instance, the St. Lawrence, felt a great
23 sense of security if he knew that the ship that was
24 ahead, or the ship that he was passing was being piloted
25 by a pilot and it added to the responsibility of his
26 work and relieved him of certain anxieties with regard
27 to the danger that he might be under not only in his
28 own ship but in the other ship as well.

29 We also had evidence, I am now on the
30 question of the safety aspect of pilotage, we had evidence



1 English

2 in Prince Rupert of a ship going into Prince Rupert.

3 I have the name and the other particulars here but it
4 is not in front of me at the moment.

5 MR. JACQUES: The HARRIET MARU.

6 COMMISSIONER SMITH: It doesn't matter.
7 It was a ship that was going into Prince Rupert and it
8 had to pay the dues but it didn't have to have a pilot
9 and to get a pilot it would have to send to the Vancouver
10 office or one of the headquarter offices there and it
11 would cost that ship \$300 on top of the payment in
12 lieu of pilotage.

13 The ship went in without a pilot and
14 when it got to the entrance of the harbour it ran into
15 a fog bank and it went on a shoal, caused considerable
16 damage. In the end they had to send for a pilot and
17 take the ship down to dry dock in Vancouver Harbour
18 and get some temporary repairs made before the ship was
19 sent home for permanent repairs, which would run into
20 a tremendous lot of money. Now it impressed me that
21 that was a question of safety. It was not a question of
22 payment of dues or any other angle except the question
23 of the safety of the ship and its navigation in close
24 and confined and restricted waters so that I was rather
25 impressed with that aspect of the safety element separated
26 from all others.

27 THE WITNESS: Yes. In the safety element
28 I agree. If the pilotage is compulsory, instead of the
29 payment, you will not encounter the risk of a ship who
30 would come to the pilotage station and say, for instance,



1 English

2 well today this is a nice clear day and I know this
3 area pretty well, I will do it on my own and get some
4 practice, or get some enjoyment out of it, whatever the
5 excuse may be and then if the ship does encounter some
6 bad weather further on, he then would not be assured
7 he would be of course in clear weather and would not
8 manoeuvre as efficiently and in the same manner as the
9 regular pilots would do on the River and in doing so
10 in close waters especially you don't know what the other
11 fellow is going to do. You don't know how they are
12 going to work. There is an element of risk there that
13 would not be there otherwise if you had the pilots who
14 work the same way on board a ship.

15 THE CHAIRMAN: The case my colleague,
16 Mr. Smith, has just referred to was not the case of the
17 HARRIET MARU because the case of the HARRIET MARU was
18 when the Commission was sitting there and I think they
19 wanted to prove that they could go without a pilot.
20 Then the HARRIET MARU went to Prince Rupert for customs
21 I think, and went to the Prince Charlotte Island, went
22 back to Japan after that but by Prince Rupert again
23 without a pilot just to show that they could do so
24 without a pilot. In any event, this was not the same
25 case.

26 With regard to the same question also
27 of the safety, when we talk of compulsory pilotage this
28 is not a real situation because ~~there~~ is always the
29 exemptions and you may meet quite a few ships that have
30 no pilots, which are exempt ships. They may be ships of



1 English
2 any length, local ships and lakers, and so on, and they
3 have no pilots.

4 THE WITNESS: That is correct sir. We
5 had testimony before this Commission in Quebec about
6 the small coasting vessels going up and down the St.
7 Lawrence without pilots; how they worked, and so on.

8 THE CHAIRMAN: Yes, but you also have
9 the big lakers. They have no pilots aboard.

10 THE WITNESS: In certain areas of the
11 St. Lawrence, yes. Above Montreal only.

French 12 (THROUGH THE INTERPRETER.)

13 Q. Do you have anything further to
14 add about recommendation No. 15? Well then, recommendation
15 No. 16, paragraph 519 on page 199 of the English text.
16 I notice that in the French text there was a misprint.
17 There was one line missing. It can be found in its
18 entirety in the blue pages at the outset of the brief.
19 It reads as follows:

20 "The status of a civil servant,
21 "where it exists, should totally disappear
22 "from pilotage in Canada."

23 There is no mistake in the English text.

24 The full text is contained in the white pages. You said,
AA2 25 moreover in paragraph 521 that "the status of this salaried
26 worker, and moreso that of a civil servant, is prejudicial to
27 the pilotage profession, and provides no guarantee
28 whatever to a more efficient
29 or less costly service. We have very good reasons to
30 believe that the contrary is rather the case." Could
you please elaborate on this matter according to the
investigation you have made?



1 French

2 A. Naturally the studies we undertook
3 in the following lines bore a great deal on this
4 aspect of the matter; in the countries where there is
5 a civil servant employee system in existence, in Holland,
6 in Belgium, in Sweden and certain regions of Norway, we
7 have noticed that pilots of these countries may supply
8 good pilotage service. They are quite capable and able,
9 but they do not have the initiative of the pilots who
10 are independent pilots such is the case in Great Britain,
11 Germany and Canada, especially during the busy periods
12 of time. Being established as a civil service system,
13 most pilots have a scale of wages which is established
14 by the Government. Naturally they cannot discuss about
15 an increase in wages. Whenever there is a matter raised
16 regarding wages, they are changed from grade eight to
17 grade nine.

18 Within the civil service system this
19 may occur but it is very difficult to obtain a change
20 because the pilots or the civil servants are all class-
21 ified according to the education they received. Certain
22 ocean-going masters may not have a university education
23 but they have to go according to the civil service system
24 scale of wages.

25 These pilots have to work a 40-hour week
26 and they must have a 40-hour week because they belong
27 to the Union of Civil Servants, public service employees
28 and they want to obtain the same as the others in other
29 categories and during the busy period of time they found
30 that their full 40-hour week was completed after three or



1 French

2 four days of work, so naturally they were getting unhappy
3 about that and consequently under the pressures of the
4 union the Government decided to increase the number of
5 pilots in many locations and consequently during the
6 busy period all pilots are working, but during slack
7 periods well there are many pilots that are idle.

8 Naturally this was quite costly to the
9 Government. Perhaps the pilots' income is lesser than
10 that in existence in other countries, but naturally
11 it is a costlier service because there is an additional
12 number of pilots so it is not a savings for the Government.

13 There are certain floating dues that
14 must be paid but the service was not improved due to the
15 fact that pilots substituted their free enterprise system
16 to that of a civil service status.

17 THE CHAIRMAN: I wonder whether your
18 recommendation, or this rule is not too general. You have
19 certain exemptions. You have the Churchill Code, for
20 instance. Which pilots will be interested in going to
21 Churchill for ten weeks every year? I don't want to go
22 into details of the exception but you also have the
23 problem of Goose Bay. This is a very particular case
24 and the question arises also for New Brunswick, for
25 instance, where at present it is free enterprise. Of
26 course, there is not much traffic going on but as regards
27 the qualifications it seems to be not satisfactory at all.

28 THE WITNESS: In certain places it is
29 possible that pilotage does not attract a lot of people
30 because it does not pay and in those circumstances I think



1 French

2 there should be a Federal subsidy provided so that pilots
3 will be attracted at a higher tariff instead of having
4 an employee who would be directly a civil servant for
5 certain places. If we take several small harbours
6 near one another, that is 30 or 40 miles with little
7 traffic, it would be easy to have one competent person
8 or two competent persons capable of taking care of those
9 two or three little harbours and at that time the overall
10 income of these harbours would be pooled together and
11 would be more interesting for the pilot who would be
12 working in that area.

13 THE CHAIRMAN: This would not be applied
14 everywhere, of course. There would be certain remote
15 harbours which would also be submitted exceptions.

16 THE WITNESS: Well I think that there is
17 another alternative to exception and that is the granting
18 of subsidies.

English 19 THE CHAIRMAN: The name of the ship that
20 my colleague, Mr. Smith, was referring to was the
21 HERMION.

French 22 MR. LALONDE: Then you have a recommendation No. 17
23 which I am going to quote:

24 "The limits of the Distrists and
25 "the exemptions from compulsory pilotage
26 "must be defined in the law, and not
27 "merely by enacting by-laws."

28 You have already given evidence on the
29 matter this morning I believe?

30 A. Yes, for quite a long time and I have



1 French

2 nothing to add.

3 Q. Paragraph 526, recommendation 18:

4 "The status of the pilot must
5 "continue to be that of an adviser to
6 "the captain, in reality a 'living map'.
7 "His civil responsibility is limited to
8 "the amount specified in Article 362
9 "of the Canada Shipping Act."

10 Have you got any comments in this respect?

11 A. Yes. We have seen in the text of
12 the laws here and there that the pilot in most cases
13 in an adviser to the captain, with the exception of
14 Panama I think it's the only exception which comes to my
15 mind.

16 THE CHAIRMAN: This morning you mentioned
17 another harbour where there was the wheelsman and the
18 lineman?

19 THE WITNESS: Yes. Antwerp but they
20 are still advisers to the captain in that case but we
21 are asking for civil responsibility to be limited to
22 the amount of \$300. This can be included or excluded
23 from the law. If it is included the pilots will have
24 to guide ships which cost \$1,000,000 and of course we
25 can't provide for indemnity or compensation in case a
26 pilot is responsible for an accident. What would happen
27 then would be that pilots would contract insurance to
28 protect themselves. The ship is already insured by
29 the shipowners and if the pilots are insured, it's a
30 supplementary expenditure, and then the shipowner would



1 French

2 have to pay twice for the insurance: once directly and
3 secondly through the pilotage dues. We, therefore,
4 think it is preferable to maintain provision in the
5 law as it is, that is, that the responsibility is limited
6 to a maximum amount of \$300.

7 Q. Do you have the experience of the
8 country where this country was split between shipowners,
9 pilots and Government authorities?

10 A. Yes. In certain countries there
11 are no provisions on the matter in the law and the pilot
12 may be held responsible by the court in case of an
13 accident and in those cases it has never been tried
14 to get money back from the pilots because it was well-known
15 the pilots couldn't have paid the damages. However,
16 in France I believe the pilots have an insurance policy
17 for \$100,000 and I think they can cover themselves in
18 cases of a small shipowner or the owner of one single
19 boat who would resort to a suit asking for damages.

20 Q. In New York do the pilots have
21 insurance?

22 A. I cannot remember.

23 Q. Would you like to check in your
24 notes please? Were there negotiations in countries
25 in the light of which the parties concerned had decided
26 not to impose civil responsibility to the pilots? In
27 Germany the question has been discussed but you can
28 check it of course in your notes.

29 THE CHAIRMAN: I would like to correct
30 something. You said previously gross responsibility. If



1 French

2 the civil code applies then any responsibility, even
3 a slight one does apply. In that case it is absolute
4 liability for the victim.

5 THE WITNESS: The law provides that the
6 responsibility will only be applied in cases of great
7 loss.

8 THE CHAIRMAN: Yes, but here it would be
9 the law of the province so in certain provinces it would
10 be the case of a heavy loss, or in the provinces like
11 ourselves it would be a case of a minor loss.

12 MR. LALONDE: The accidents would probably
13 take place in the international part, in New York where
14 there is no Canadian responsibility involved.

15 Q. Recommendation No. 19, paragraph
16 537, page 204: Establishment of Districts:

17 "All areas where pilotage exists
18 "must be transformed into Pilotage Districts
19 "under the authority of the Commissioner
20 "of Pilotage and of the Minister of
21 "Transport. These pilots must be duly
22 "licensed."

23 As you know, a brief was presented before
24 this Commission and certain witnesses will be heard
25 on the matter later on. In this brief objections are
26 raised against the idea that all places where pilotage
27 takes place should be formed into Districts and under
28 Government authority. I would like to hear your comments
29 on this matter.

30 A. First of all, pilots whether on the



1 French

2 St. Lawrence or on the eastern or western coast have
3 to be competent to do their jobs and also to ensure
4 certain safety and the Pilotage Commissioner has the
5 responsibility of supervising pilotage throughout
6 Canada and he would not understand in some places, even
7 if these are free harbours, it would be a privilege
8 to have pilots who would not come in under the authority
9 of Government representatives and certain of these
10 harbours the tendency would be to provide pilots who
11 are granted a fixed yearly salary.

12 In certain places, for instance, we
13 have seen the pilots can bring back to his company
14 up to \$25,000 and he receives only \$5,000 as a salary.
15 Of course, the companies are not interested for
16 business purposes the way that such a source of
17 supplementary wage is done by their pilots but on
18 the other hand one would like the pilots to be able
19 to give their service and we believe that all pilots
20 should be dealt with on the same basis, should be on the
21 same footing. THE CHAIRMAN: As regards liability,
22 what I said was not quite clear. The responsibility
23 of the pilot with the other responsible persons,
24 for instance, if civil judgment is within the framework
25 of the TRITONICA, the judgment of which we read the
26 other day, the two pilots or their representatives,
27 the two masters would be held responsible each of them
28 personally for the full amount of all the damages to
29 both ships, whatever the individual responsibility of
30 each of them, they establish the proportion of
responsibility vis a vis those who have suffered the loss



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1 French
2 of life or damages. There could be a whole responsibility
3 attached to the pilot under this law. Of course we
4 have got to be careful about this. This is the
5 importance of the limit of liability.

English 6 COMMISSIONER SMITH: If it please
7 your lordship, I have some notes in front of me. I
8 haven't the authority for them but it seems to be
9 general.

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/PB/RPS 1 English

2 Among other things it says here speaking
3 about the general role of pilots in the United States
4 that marine insurance is therefore relied upon for
5 damages to ships and cargo, generally speaking. In
6 some States bonds are not required and other measures
7 are applied to ensure against negligence, unskillfulness
8 or other unacceptable conduct or lack of efficiency or
9 attentiveness to duty. It appears that as a general
10 rule although in addition to that a pilot is required
11 to give a bond as a condition to serving their
12 profession and the bond is usually for faithful perform-
13 ance and for the payment of damages that may accrue
14 from negligence, unskillfulness or unfaithfulness in
15 the performance of their duties.

16 A. Yes, my lord.

French 17 (THROUGH THE INTERPRETER.)

18 MR. BRISSET: May it please your
19 lordship regarding the question of responsibility, so
20 that the record is quite accurate I would like to draw
21 the attention of the Commission to Article 648 of the
22 Canada Shipping Act in which it states that in the
23 case where two vessels would be responsible and
24 consequently two pilots would be responsible for
25 a collision responsibility is in the ratio, is in direct
26 ratio with their negligence, consequently there is
27 not complete and total responsibility.

28 THE CHAIRMAN: This applies to the
29 vessel. Would it apply as well to the pilots?

30 MR. BRISSET: It applies to the pilots also



1 French

2 except in the case of loss of life where the Act states
3 that the responsibility . . . (end of interpretation) . . .

4 There are other provisos in the Act
5 which allows for restriction of responsibility even
BB2 6 if a pilot is sued or a master. The master, officers
7 and pilots have the same right to limit their
8 responsibility as is the case for the owner of the
9 vessel. In the case of the TRITONICA and the ROONAGH
10 HEAD, if the pilot of the ROONAGH HEAD was responsible
11 for the loss of the TRITONICA his loss would be
12 limited to a very small percentage of the total loss.

13 THE CHAIRMAN: Naturally, the \$300
14 which is written in the Act at the present time is to
15 that effect.

16 MR. BRISSET: But if this restriction
17 was deleted the general limit would apply always based
18 upon the tonnage of the vessel on which the pilot
19 was working. In that case the loss of \$20 million,
20 the responsibility of the ROONAGH HEAD would represent
21 only one-tenth of the total loss.

22 THE CHAIRMAN: Naturally the Canada
23 Shipping Act covering the civil rights insofar as
24 the Province is concerned wouldn't apply.

25 MR. LALONDE: If we go back to Article
26 648 nonetheless it remains that the responsibility among
27 the crew of a given ship would be solidary, for
28 example, the officers, the pilot on a vessel particularly
29 would share their responsibility in solidary.

30 MR. BRISSET: It would be solidary as



1 French
2 regards one side of the responsibility. For example
3 inthe case of the ROONAGH HEAD they are responsible
4 for part of the damage and they will be responsible for
5 solidary for that part of the damages and if the
6 ruling can't establish who exactly is completely respon-
7 sible then the Act stipulates that both parties take
8 the blame.

9 THE CHAIRMAN: Well, I wanted that in
10 the record so our attention may be drawn upon this
11 point in respect of the Act or Acts.

12 MR. LALONDE: As an added comment to the
13 statement made by Mr. Smith I may say in the case of
14 New York Harbour Article 15 of the regulations of the
15 Board of Commissioners provides the pilot must supply
16 a performance bond of \$500 and moreover I note that
17 the New York pilots have a collective insurance or
18 responsibility insurance which is paid for all members
19 piloting in the New York Harbour aside from that
20 performance bond.

English 21 COMMISSIONER SMITH: Group coverage.

French 22 MR. LALONDE: Q. In recommendation
23 19 you say all pilots must be duly licensed and in
24 paragraph 539 you state that "Naturally it would be
25 "necessary to protect the acquired right
26 "of the pilots presently on duty in
27 "these diverse areas".

28 A. Yes, but there would also be the
29 advantage these pilots are no longer special pilots and
30 don't belong exclusively to one harbour and it could be



1 French

2 possible for them to work at different harbours when
3 the need arises.

4 Q. Paragraph 540 recommendation No.
5 20:

6 "The tariff in all the Districts
7 "is based on the net or gross tonnage
8 "and the draught of the vessel. We must
9 "utilize the maximum net or gross tonnage
10 "such as it appears in the certificate
11 "of registration of the vessel, in order
12 "to cover the cases of shelter decks
13 "and vessels with side tanks. In the
14 "case of movages, the tariff base can
15 "be a determinate sum varying according
16 "to the scale of tonnage. All discrimination
17 "in the tariff in favour of coastal
18 "or inland water vessels must be removed".
19 This is quite an important recommendation.

20 Could you elaborate?

21 A. In the course of the trip we
22 have obtained some information and we obtained notes
23 from the information book relating to the pilotage
24 tariff and how it is calculated and later on I prepared
25 myself this tariff which has just been handed to the
26 Commission.

27 Q. Which I would like to file as
28 Exhibit 882 entitled documents on pilotage tariffs for
29 different Pilotage Districts in the world.
30



1 French

2 ---EXHIBIT NO. 882:

Documents on pilotage
tariffs for different
Pilotage Districts in the
world.

3
4
5 A. You will notice that at the top
6 of the page the titles are inscribed net tonnage, gross
7 tonnage, draught, per mile, length of ship, number of
8 pilots for the transit, plus docking pilot, approximate
9 distance of pilotage. We notice in the first left
10 column inscribed net tonnage there are many regions
11 in the world who base their tariff entirely upon net
12 tonnage. They represent the total of tariff which is
13 collected directly out of net tonnage and in Marseilles
14 or Stockholm it is applied according to net tonnage
15 and also according to the distance mile. If you
16 take the Districts of Quebec-Escoumains, or from
17 Montreal to Quebec, we find that here the pilotage
18 tariff has been determined according to the net tonnage
19 of the vessel and also its draught.

20 Now, I won't enter into details for
21 each region because I think the table is self-explanatory
22 and it demonstrates in general the principle is
23 accepted that where the greater income must be derived
24 according to the tonnage of the vessel, the higher
25 the tonnage of the vessel the greater the income will
26 be for pilotage.

27 Q. Also we take into account the
28 draught and we also add the load?

29 A. Yes, the greater tonnage the greater the
30 load. It is also interesting to note that in many



1 French

2 regions part of the tariff is established according to
3 the distance, that is per mile. This applies amongst
4 other places in Manchester, Rotterdam, Amsterdam,
5 Antwerp, Oslo, Stockholm and Copenhagen. There are
6 many reasons for that because in many places the
7 pilotage distance may be different as they have at
8 times wharves at many different locations along the
9 river, so they also have this element of mileage which
10 is used to determine the amount instead of having an
11 established amount from A to B or C to D, have 50
12 different kinds of tariffs. They say it would be
13 too complex that way and instead they use the distance
14 per mile.

15 Q. Before going on Mr. Bedard I notice
16 there is a region which is indicated as Genova?

17 A. If we go to the table there is,
18 I think, two places where there is a fixed tariff for
19 a vessel transitting Montreal, Cornwall; Cornwall,
20 Kingston. Here the tonnage of the vessel has been
21 taken into consideration, whether it is a vessel of
22 2,000 tons or 6,000 net tons having a draught of 12
23 feet or 25 feet.

24 Further a tariff has been established
25 as a global tariff which is always the same one and
26 which is fixed and doesn't bother with the draught of
27 the vessel, length of the vessel or its tonnage.

28 Q. Excuse me, Mr. Bedard, perhaps
29 it would be good to mention here that we should add
30 to these things the other Great Lake Districts?



1 French

2 A. Yes, but I am talking exclusively
3 about the table I have before me.

4 Q. To your knowledge aside from
5 the Great Lakes Districts where this scheme is quite
6 a recent one according to the International Agreement
7 and the case of Cornwall have you met another scheme
8 elsewhere where this fixed tariff system was in force?

9 A. No.

10 Q. In your table there are a number
11 of provisions about the number of pilots being used
12 for pilotage and the problem of distance. Would you
13 like to keep this information for later on or would
14 you like to comment on that at once?

15 A Sir, I would think it would be
16 more advisable to deal with this later on when I supply
17 the further information about/pilotage maps which are on
18 the board and I can demonstrate the number of pilots
19 which have to be taken in for the total transit.

20 Q. You will deal with this when
21 you deal with the workload?

22 A. That is so.

23 THE CHAIRMAN: Before we turn to another
24 point the last column on this table, Montreal, one to
25 a hundred and thirteen, that is one mile to a hundred
26 and thirteen miles but further down, Glasgow, I see
27 32 plus 40. What do you mean by "plus"?

28 A. In Glasgow you have two pilotage
29 districts going from Cumbrae . . .

30 THE CHAIRMAN: Sorry, I didn't mean Glasgow



1 French

2 It is Rouen I meant, 32, 40.

3 THE WITNESS: Rouen has the same problem
4 there as the pilot goes from the mouth of the river
5 up to Ville Quire and from Ville Quire to Rouen. The
6 total distance made by two pilots is 72 miles.

7 THE CHAIRMAN: That is why you put two
8 pilots in the margin?

9 THE WITNESS: That is correct.

10 THE CHAIRMAN: Thank you.

11 MR. LALONDE: Q. I note that you ask
12 for a maximum net and gross tonnage as it appears on the
13 certificate of registration to be taken into account.
14 That is to cover ships with shelter decks, with side
15 tanks.

16 A. There may be ships arriving in the
17 St. Lawrence having a net tonnage, with a net tonnage
18 of eight thousand tons, for example. When they go
19 downstream the tonnage they have is 3,000 tons at that
20 time because certain portions which are called open
21 bunks cannot have goods stored in them so that a ship
22 particularly a ship which will be loaded with iron ore,
23 for instance, all these lateral tanks have to be
24 considered as not being places where cargo can be loaded.
25 From one trip to another the efficiency of the tariff
26 does have to be altered on a ship although the ship
27 is the same one. To eliminate these difficulties in
28 the calculation of the tariff we propose to eliminate
29 the shelter deck so we have also the maximum net
30 tonnage of the boat.



1 French

BB2 2 Q. I am told that this is quite a
3 frequent practice for ships between Port Alfred and
4 Montreal, that is ships coming from the high seas that
5 will be unloaded at Port Alfred and then Montreal.
6 What is the difference between the maximum tonnage
7 and the minimum tonnage?

8 A. I can't tell you exactly, but
9 I could say for instance 6,000 tons to 3,000 tons.

10 THE CHAIRMAN: Is it not more easy to
11 manoeuvre a ship when it is only 3,000 tons because
12 the draught is smaller?

13 THE WITNESS: Yes, but there are
14 difficulties in winds. This happened before with ships
15 which were empty from cargo, in the case of a
16 LIBERTY ship or the PARKE ships we had to ask the
17 master to put water in the tanks to make the ship
18 more steady otherwise it would be very dangerous because
19 it would be going from one side to the other.

English 20 COMMISSIONER SMITH: Captain, would there
21 be an advantage to all concerned to change the formula
22 and get the actual volume, the size of the ship by
23 multiplication of the length, breadth and depth and
24 working out a formula to get the actual size of the
25 ship and applying the tariff on the size, that sort
26 of formula?

27 THE WITNESS: Yes. This would cause
28 an interesting discussion amongst many seafaring people
29 and the shipowners, I imagine. This can be produced
30 on the length of the ship like they do in Antwerp, length



1 English

2 and mileage or it could be gross tonnage or net
3 tonnage. I don't think it makes too much difference
4 if it is constant. When you take shelter decks and
5 it varies on the same ship I think there is a lack
6 there for the calculation of pilotage dues.

7 COMMISSIONER SMITH: If you take the
8 length and multiply the length by the depth by the
9 beam of a ship you include everything. Also there
10 would be no chance of any shelter deck or removing the
11 plates.

12 THE WITNESS: That is correct, yes.

13 COMMISSIONER SMITH: It might be worth
14 studying a bit?

15 THE WITNESS: It would need certainly
16 research to cover all the angles and various sizes of
17 ships the way they are built, cargo ships and passenger
18 vessels and man of war and so on. It is certainly a
19 long calculation that would have to be given quite a
20 bit of thought, figure out cost and so on.

21 COMMISSIONER SMITH: There is one other
22 thing, my lord I would like to ask this witness now.
23 It is a little bit removed from what we are discussing
24 at the moment and I hope I won't be accused of being
25 a heretic for raising it: What would your opinion be,
26 Captain, of changing the present formula of port and
27 starboard to right and left?

28 THE WITNESS: It would be more simple
29 and easier to understand by all seafaring people, I
30 believe. There is a tendency to do that now through the



1 English

2 American influence, if you like.

3 COMMISSIONER SMITH: Do you think it
4 might accrue to greater safety in the navigation of
5 ships?

6 THE WITNESS: I would agree it would be
7 less liable to mistake.

8 COMMISSIONER SMITH: Thank you, Captain.
9 (THROUGH THE INTERPRETER.)

French

10 MR. LALONDE: Now, I note you ask for
11 this question of discrimination of tariff in favour of
12 coastal ships. You quote as an example the Montreal
13 Harbour displacements. Are there any other places
14 along the St. Lawrence where such a discrepancy exists?

15 A. I think so. I think in the
16 District of Quebec there is a difference, that a ship
17 is charged half the tariff.

18 Q. The By-Laws of the Quebec District --
19 these are the ships which don't have pilots on board
20 which, therefore, are under a certain tonnage. In
21 the case to which you refer there is a difference
22 provided by the By-Laws according to whether the vessel
23 is a sea-going vessel or a coastal vessel. What are
24 the grounds for the suppression for which you ask?

25 A. I don't see any reason why one
26 group of ships should be given an advantage or a
27 privilege as against another group.

28 Q. During your discussion on these
29 things has the Pilotage Authority ever given you the
30 reasons, the motives for this existing situation?



1 French

2 A. No, not as far as I know.

3 Q. Recommendation 21, paragraph 552,
4 page 208 of the English text:

5 "The tariff of pilotage includes
6 "both the costs of remuneration of the
7 "pilots and costs of administration.
8 "The tariff is, however, divided into
9 "two distinct parts, one concerning the
10 "remuneration of pilots, and the other
11 "denoting the cost of the administration
12 "of pilotage."

13 A. That is correct. This morning as
14 I explained in dealing with other recommendations we
15 provide two tariffs by applying one which gives remuner-
16 ation to the pilot and another one which gives the
17 necessary amount to cover the pilotage expense.

18 Q. I note that paragraphs 555, 556,
19 557 and 558 list a number of arguments in favour of
20 the position which you have adopted, that is in favour
21 of the two-fold tariffs.

22 THE CHAIRMAN: In some other Districts
23 we have seen overcharges of 20 per cent or 10 per cent
24 to such and such an effect, in Newfoundland for instance.
25 I thought I would mention it here.

26 THE WITNESS: Your lordship, in England
27 we have seen overcharge tariff of 280 per cent. If
28 you care I would like to have a meeting, adjourn
29 before we start discussing this particular question.

30 THE CHAIRMAN: Any other questions in



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1 French
2 respect of this problem?

3 We will adjourn for a few minutes.

4

5 ---A SHORT RECESS.

6

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MR/RPS 1 French

2 ---FOLLOWING THE SHORT RECESS:

3 Q. You were examining recommendation
4 No. 21 Mr. Bedard and I would like to raise a problem.
5 To wit: if you have the establishment of a double
6 tariff regime, there would result therefrom an increase
7 in the tariff. If you take the case of the St. Lawrence
8 District, would you have an approximate idea what increase
9 it would represent in the cost for shipowners for the
10 purpose of pilotage?

11 A. Yes. Before answering your
12 question directly, I would like to elaborate on the
13 possibility that there would be the possibility of
14 either having one given tariff, as in the case in
15 many places in France or have a double tariff as exists
16 in Germany. The two systems occur. Our finding is
17 it works smoothly in both places. If such a system
18 was recommended and adopted here in Canada, it would
19 be difficult to have accurate budget forecast with
20 one given tariff. It would have a certain danger to
21 the effect that the administration costs, unless one
22 tariff would be sensibly higher or lower and in fact
23 this would in turn reduce or increase the net income
24 of pilots so that is why we deem it good to recommend
25 for these reasons a double tariff and the result and
26 the arguments are in favour of the double tariff, and
27 it is the following: The budget forecasts or the
28 budget is prepared specially to that end. It is easy
29 to see that the money will not be transferred from
30 one fund to the other so at any rate at the outset we



1 French

2 think that it would be a good idea to establish a
3 double tariff instead of a single one.

4 Q. Now the question that I had put
5 to you was if there would be a sensible increase in
6 the cost of pilotage on the St. Lawrence if you
7 implemented or rather if the Commission recommended
8 the project that you have underlined in recommendation
9 21?

10 A. Well we must say at the present time
11 the shipowners are paying for part of the administration
12 costs and in the District of the Lower St. Lawrence
13 one can say that the cost for pilot boats are covered
14 and paid directly by the shipowners. Part of the income
15 of apprentice pilots is also paid by shipowners but
16 the total income of apprentice pilots and pilots is
17 paid by shipowners.

18 I have here a sheet whose origin is
19 from the D.O.T. which may help me to answer Mr. Lalonde's
20 question. I am sure that the Commission may find figures
21 that are more recent and more accurate from the D.O.T.
22 but what I have before me represents an amount of
23 \$111,000 Quebec Pilotage District for the years 1961
24 and 1962; Montreal Pilotage District is inscribed at
25 \$95,000 and Cornwall District of \$32,000. Kingston
26 Pilotage District of \$37,000. For administration costs
27 of expenses which include--this is written in English
28 here:

English 29 Salaries, overtime, teletype, stationery,
30 office supplies, telephone, travelling



1 English

2 expenses and auto mileage, material and
3 supplies, other expenses. ---

French 4 At that time also for the Quebec District
5 there was an item which was entitled board of pilots,
6 and which represents the amount of \$8,000. This was
7 compensation paid to the pilots in the Quebec District
8 when they were either at Father Point or Les
9 Escoumains when they had to pay 50 cents for their meal
10 and this service has been discontinued a couple of
11 years ago.

12 Q. Were these figures supplied by the
13 D.O.T.?

14 A. Yes.

15 Q. Perhaps it would be a good idea
16 to file this document my lord. There is not a certificate
17 endorsing this text but it has been supplied by Mr.
18 Cumyn from the Pilotage Authority.

19 THE CHAIRMAN: At any rate, I think this
20 document should be filed as the witness is going to use
21 it.

22
23 ---EXHIBIT NO. 883:

Sheet containing the
administration expenses
of the St. Lawrence Pilot-
age Districts for the years
1961-1962.

24
25
26
27 Q. I don't know if the fiscal year
28 extends for part of the year, but I think it is the
29 fiscal year of the Government which extends from
30 April 1st to the 31st of March.



1 French

2 A. It is good to notice in one
3 District of the Seaway, that is the International District
4 from Cornwall to Kingston at the present time there
5 is in existence a single and global tariff which is
6 used by pilots for administration expenses.

7 Q. Paragraph 561:

8 "Finally, if we compare the costs
9 "of pilotage on the St. Lawrence with
10 "the pilotage dues and various other
11 "dues required of ships by foreign
12 "states, we realize that our costs are
13 "very minimal."

14 Did you have the opportunity of studying
15 this assertion in a more thorough fashion?

16 A. Yes. During our visits in Europe,
17 we were supplied with different scale and tables
18 indicating the tariff charged to the vessels which were
19 transitting in the different Pilotage Districts and
20 also when the Commission sat on the western coast a
21 list of comparative tariff, which had been prepared by
22 the pilots of the western coast, had been filed. I
23 started myself by checking some vessels which were
24 indicated on this exhibit which was submitted previously,
25 the cost of pilotage in certain Districts throughout
26 the world, to this end; having the tariff myself and the
27 booklet indicating the rates charged I have undertaken
28 to do the calculation which indicates the amount
29 charged to each of these vessels but in order to cross-
30 check, I have decided to check either with the Pilotage



1 French

2 Authorities or the pilots themselves in the different
3 harbours. That is, in Hamburg, Rouen, Le Havre, Antwerp,
4 Manchester, the Thames, Glasgow, Southampton and Liver-
5 pool. Insofar as the St. Lawrence District is concerned
6 the figures have been checked by the Secretary-Treasurers
7 of the different Corporations concerned.

8 Insofar as Boston, New York and Albany
9 harbours are concerned, I have here with me the source
10 of my calculations. That is the booklet.

English 11 THE SECRETARY: My lord if I might
12 interrupt just for the information of the Commission
13 I believe that the exhibit number to which the witness
14 referred as having been filed in Vancouver is Exhibit
15 No. 82, pilotage dues applicable to certain vessels
16 in B.C. Pilotage District as compared to dues charged
17 in certain other Pilotage Districts in Canada.

18 THE CHAIRMAN: Thank you. That was the
19 information I wanted to have.

20 With regard to this document here, do
21 you want to have it included in your brief?

22 MR. LALONDE: Well it has been reproduced,
23 my lord, so it can be inserted in the brief itself. I
24 suppose we should file it as an exhibit anyway and
25 give it a number immediately.

26
27 ---EXHIBIT NO. 884: Document entitled comparable
28 pilotage dues.

29 A. I was just beginning to say the
30 calculations come from figures which are found on the



1 English

2 booklet entitled: "Pilotage Dues in the United States
3 Ports" and it is published by the United States Pilots'
4 Association.

5 Q. My lord, the witness referred to
6 correspondence with foreign harbours that he could check
7 the figures which he had calculated. I have here this
8 correspondence. It is available. I wanted to know
9 whether the Commission would like to have the whole of
10 the correspondence; if the parties wanted to be informed
11 about it.

12 THE CHAIRMAN: If the parties so desire,
13 but I think we have enough documents; only have to make
14 a summary. If the parties wish to see those documents,
15 they are at their disposal.

16 MR. LALONDE: I have here with me
17 the correspondence.

18 THE CHAIRMAN: Yes, if the parties are
19 interested, they can have a look at it.

20 Q. Now we have here the volume
21 entitled: "Pilotage Rates of the United States Ports".

22 THE CHAIRMAN: Following our guiding
23 principle, we are going to give this the same exhibit
24 number. That is, put it in a bundle with other
25 documents concerning the United States harbour. The
26 number is Exhibit 879.

27 THE WITNESS: There would be a few
28 amendments or corrections to be made to this table.
29 In the title as regards Quebec-Montreal distance 150
30 miles, it should read 139 miles. Two columns to the right



1 English

2 where it is written Cornwall-Kingston, there should be
3 a black ---

4 THE CHAIRMAN: As you were speaking
5 French before, I think it is easier if you carry on
6 speaking French.

French 7 (THROUGH THE INTERPRETER.)

8 THE WITNESS: In the column entitled
9 Cornwall-Kingston, there should be a black spot just
10 by Cornwall because it includes the administration costs,
11 on the lefthand side of the word "Cornwall" like there
12 is before the one of Boston. Then in the column which
13 has a title "to Albany" distance 85 miles, one should
14 read the distance 129 miles and not 85.

15 THE SECRETARY: Would the witness repeat
16 the first amendment please?

17 THE WITNESS:: It was on the first column
18 entitled Quebec-Montreal distance, and the distance
19 is 139 miles instead of 150 miles which is stated here.
20 This table gives us comparative scale of the pilotage
21 dues. However, in the correspondence we have had with
CC2 22 the Rouen pilots where tariffs seem to be much higher
23 than anywhere else, we were warned that we must point
24 out to the members of the Commission that ships which
25 circulate in this river are usually on a tonnage lower
26 than what appears here in this Exhibit. I think that
27 the rather important percentage of ships, as important
28 as are mentioned in this exhibit, do not frequent the
29 Rouen Harbour where the majority, of course, of ships
30 are smaller.



1 French

2 Q. Did you say that those figures
3 appeared on the paper produced by the British Columbia
4 pilots?

5 A. No. Here we have added on this
6 exhibit the Sept Isles and the Montrealais. The
7 Montrealais is a lake barge. We did not have a ship
8 of the same tonnage in the exhibit deposited by the
9 Vancouver pilots.

10 Q. I note that there is a footnote
11 saying: "vessellighten at 'E' port". Would you like
12 to explain this footnote?

13 A. This is an oil tanker with a large
14 draught too important to carry on as far as Manchester.
15 It may not have been an oil tanker. It was a boat
16 with too large a draught, anyway.

17 Q. What is "E" port?

18 A. "E" port is along the Manchester
19 canal.

20 Q. Before you get to Manchester?

21 A. Yes.

22 Q. Would you like to make some
23 comments about this exhibit?

24 A. Yes. I think that when it is
25 said that pilotage expenses are high on the St. Lawrence,
26 this is not justified if we take into account the
27 various factors. For example, let us take the
28 distance Les Escoumains to Québec, which is a distance
29 of one hundred and twenty-three miles and let us take
30 the distance on the Thames of 76 miles from the Thames



1 French

2 River to London England. The first ship appearing here
3 is the HIKAWA MARU and we see that in Quebec the
4 pilotage dues are \$178.03.

5 Q. This does not include the pilot
6 boat expenses?

7 A. No, it does not, unless it is
8 precisely indicated. Now with the same boat, with the
9 same draught in London, the pilotage dues are \$266.05.
10 This includes administration expenses as indicated here.

11 MR. JACQUES: Do you know the proportion
12 of administration expenses on the whole amount so as
13 to be able to compare the gross income of the pilots?

14 THE WITNESS: This exhibit was to
15 demonstrate the interest of pilotage and was not
16 intended to demonstrate what was the income of pilots.
17 As regards the income of pilots in England, we have
18 tabled a document which was given by the Minister of
19 Transport and which is an official statement about the
20 pilots' income.

21 THE CHAIRMAN: For the sake of comparison
22 on the column Escoumains-Quebec about \$20 would have
23 to be added?

24 THE WITNESS: Yes. If you wanted to
25 include the expenses of pilot boats you would have
26 to put \$20 more for Escoumains and \$10 more for Quebec.
27 In the Thames you have also dues for pilot boats which
28 is indicated here which amounts to \$54.18. Now these
29 figures for the Thames were given to us in detail by
30 Mr. Roland Smith from Trinity House.



1 French

2 Q. Once again this exhibit is
3 limited to comparing the costs of pilotage for the
4 shipowners?

5 A. That is correct. I did not
6 intend to establish a precedent between the incomes
7 of the pilots here. There is another example where
8 we can take identical distances. That is Le Havre and
9 Montreal Harbour.

10 Q. Le Havre is the column to the
11 lefthand side and then Montreal Harbour.

12 A. At Le Havre this includes the
13 administration expenses whereas they are not included
14 for Montreal. Still we can see there is a very important
15 difference, striking difference between the two.

16 Q. I note that in the case of
17 Manchester you have a supplementary charge provided
18 for helmsmen?

19 A. That is correct. The service of
20 helmsmen is available in Manchester. The boats are
21 not compelled to use helmsmen but usually the boats
22 do so. About 80 per cent of them do anyway.

English 23 COMMISSIONER SMITH: There is a heading
24 there "helmsmen". And then some figures below.

25 THE WITNESS: Yes sir. These are
26 in the Manchester ship canal; helmsmen are available
27 to ships. They come on board along with the pilots and
28 in proportion of 80 per cent they do take helmsmen
29 but it is not compulsory to take them.

French 30 MR. JACQUES: Could you check the figures



1 French

2 of \$104.14 for the SHINSKI MARU in the Thames?

3 THE WITNESS: Mr. Jacques you certainly
4 have a hawk's eye.

5 MR. JACQUES: It is not me who has
6 this hawk's eye but the liaison officer from the D.O.T.

7 MR. LALONDE: In order to be agreeable
8 about it, I also had noticed that.

9 THE WITNESS: I notice that in the
10 statements given by Mr. Smith we include the price
11 for the pilotage from sunk light vessels to Gravesend
12 and from Gravesend to Royal Albert Dock and the
13 amount of \$104.14 represents only part of the transit
14 in the Thames. To that should be added the sum of
15 \$147.41.

16 Q. This gives us a total of \$251.75.
17 Did you make any comparison regarding the distance for
18 the different Districts on the St. Lawrence as compared
19 to the distance elsewhere as regards the operation
20 cost?

21 A. If we notice that the Thames, the
22 distance of 76 miles, the service of two pilots are
23 used to undertake the transits. That is one from the
24 sunk light vessel to Gravesend and from Gravesend to
25 the London Harbour.

26 THE CHAIRMAN: You are referring to
27 Exhibit 882?

28 THE WITNESS: Yes. It is indicated on
29 Exhibit 882.

30 Q. Now in Le Havre I notice you have a



1 French

2 charge indicating as being pilotage, total cost, you
3 have the pilot boats, administration costs and you have
4 other. Are these three charges added one to the other?

5 A. Yes.

6 Q. What is meant by this "other"?
7 What does it cover?

8 A. I am going to check. I would like
9 to take from Rouen tariff, Mr. Metayer who is the
10 Chief-Pilot in France wrote this amount on another
11 sheet and indicated identical for all vessels but I
12 did not obtain any further explanation about it.

13 Q. I notice also that in Le Havre
14 this is indicated as in and out which means a trip
15 both ways?

16 A. Yes.

17 Q. While in all other cases you have
18 one-way trips?

19 A. Yes.

20 Q. Would that mean the pilot costs
21 as well as the administration costs should be divided
22 by two in each of these cases?

23 A. That is correct.

24 THE CHAIRMAN: Does it mean that the
25 distance to go to Le Havre is 72 miles or is that the
26 distance both ways?

27 THE WITNESS: Both ways it is a hundred
28 and forty-four miles, 72 miles one-way.

29 Q. In all other cases the distance
30 indicated is distance one-way as is the case for Le Havre?



1 French

2 A. Yes.

3 Q. Now in the locations such as
4 Southampton or the Thames, where the distance may be
5 shorter, do you have any idea if it is the maximum
6 distance or an average distance? What type of distance
7 do you adopt in that case?

8 A. In that case we have taken the
9 maximum distance. For example, in New York we have
10 written 42 miles. The distance may be slightly between
11 42 miles.

12 Q. The tariff has been calculated
13 according to this distance?

14 A. Yes. That is correct.

15 Q. So in the case of the Thames the
16 tariff has been prepared according to the distance?

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18
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20 -----
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D/PB/RPS 1

French

2 A. That is correct because otherwise
3 the distance of 76 miles was for a double distance
4 of 76 miles. He may go further in London Harbour, 82
5 miles, for example but then you would have collected
6 according to the distance indicated.

7 Q. In the case of the London Harbour
8 am I to understand that the cost for the docking pilot
9 in the North London Harbour is excluded?

10 A. Well, for the distance of 60 miles
11 there is a charge made to Gravesend and crossing to
12 WHITE DOCK there is a pilot which sails the distance
13 of 76 miles and when the vessel goes into lockage there
14 is a London Harbour pilot who negotiates the manoeuvre
15 and this pilot is paid an additional tariff to the
16 one indicated on the sheet.

17 Q. So the costs for docking pilots
18 are not indicated here in the case of where a vessel
19 would go a further distance indicated in the south
20 harbour?

21 A. Well, the case where a vessel
22 goes inside one of the locks in London -- if the boat
23 docks along Gravesend or at the place where there is
24 no lock the docking costs are not additional. They
25 are included. They have a distance of only 16 miles and
26 you see \$147.61 is charged in the case of the HIKAWA
27 MARU.

28 Q. In the case of the Antwerp Harbour
29 you have certain costs that have been quoted for a
30 distance of approximately 85 miles. Once more do they



1 French
2 include the movage costs or docking within the Antwerp
3 Harbour done by the pilots?

4 A. No, that doesn't include the
5 movages within Antwerp and in the Esco River. If there
6 is a docking which is done along the course well the
7 pilot, you see, has an additional remuneration for the
8 docking itself.

9 Q. In order to facilitate the
10 explanation could you please refer to Exhibit 882 where
11 you indicated plus docking pilot. If you want we are
12 going to review them all. You have an X by the
13 Thames.

14 A. There is an additional charge
15 which isn't shown on this comparable pilotage dues
16 payable.

17 Q. So this docking pilot would be
18 only in the north part of the London Harbour which is
19 closed by locks?

20 A. Yes.

21 Q. Then you have the case of South-
22 ampton.

23 A. Southamton you have two pilots
24 and a tariff of both pilots, the one who brings the
25 vessel to the wharf and then the docking pilot is
26 included entirely in the exhibit.

27 Q. So in the case of the HIKAWA MARU
28 you have \$185.06 against the Southampton Harbour includ-
29 ing the pilotage plus docking costs?

30 A. That is correct.



1 French

2 Q. At Southampton do you have any
3 pilots who are doing exclusively docking of vessels?

4 A. That is correct.

5 Q. You have the case of Liverpool where
6 once more it is plus docking pilots.

7 A. This is still in the case where
8 one of the vessels would go into lockage. If the vessel
9 docks in open waters directly inside the harbour there
10 is no docking pilot required.

11 Q. And the cost is \$119.76 in the
12 case of Liverpool. Does that include docking costs
13 or only the pilotage dues?

14 A. That includes the docking costs
15 if the vessel docks at an open wharf in river or sea
16 and it doesn't include docking costs if the vessel was
17 going into lockage. The distance in Liverpool is double
18 distance.

English 19 COMMISSIONER SMITH: Excuse me, have you
20 a breakdown of those costs, the docking against the
21 other?

22 THE WITNESS: We don't have a breakdown
23 of the cost for these ports where there is a lock and
24 the pilots take the ship inside the lock.

25 MR. LALONDE: This would be a rather easy
26 task. The tariffs are available and we might check into
27 this, Mr. Commissioner.

28 COMMISSIONER SMITH: I think it would
29 be of interest to know.

French 30 MR. LALONDE: Q. Then you have Rotterdam



1 French

2 Harbour where you have indicated additional pilots --
3 this harbour is not shown on this table.

4 A. No, we have on this list the
5 Antwerp River. The tariffs for Rotterdam, Amsterdam
6 and Antwerp is a tariff jointly established by the
7 Netherlands and Belgium Government in order to reach
8 a certain compliance in the pilotage dues. The harbours
9 especially those of Antwerp and Rotterdam are in such
10 close competition that they have reached a certain
11 equal amount of the pilotage dues through an international
12 agreement.

13 Q. So the pilotage dues shown for
14 Antwerp can also be applied to Rotterdam? Do you know
15 if the same thing applies to Amsterdam?

16 A. I couldn't answer immediately,
17 but I think so at any rate.

18 Q. So we have Rotterdam and Antwerp.
19 Now, to go back to Liverpool I see you have only three
20 figures there. Is there any particular reason?

21 A. These are the only three figures
22 which have been certified to us by the senior pilot in
23 Liverpool.

24 Q. You have also the New York Harbour
25 in your table.

26 A. The docking in New York is done by
27 the master of the tugboat who does the manoeuvring at
28 the arrival.

29 Q. The HIKAWA MARU for a distance of
30 42 miles is included at \$198. Does that include docking



1 French

2 charges?

3 A. No, there is something which is
4 charged by the tugboat which includes that.

5 MR. JACQUES: You don't know the
6 proportion of towing expenses?

7 THE WITNESS: No. In the By-Laws of the
8 Board of Commissioners which were produced we noted
9 when the pilot helps with the docking in New York
10 he must received \$50 as remuneration.

11 MR. LALONDE: Q. If the pilot himself
12 does the docking he would get \$50 which would be
13 added to the amount here?

14 A. That is correct.

15 Q. Now, you have the Oslo Harbour
16 which doesn't appear on the list.

17 A. You have Antwerp too which hasn't
18 been mentioned. Antwerp, we have pilots there with some
19 additional expenses. Just for the information of the
20 Commission could it be filed. I think we have certain
21 documents on the matter.

22 Q. Yes, we could file this to give
23 that, the expenses for docking in other ports.

24 THE CHAIRMAN: This will be an attachment
25 to Exhibit 884.

26 MR. LALONDE: Q. Next you have Oslo,
27 Stockholm, Hamburg. Hamburg doesn't appear on this
28 list either.

29 A. Yes, it does appear on the table.

30 Q. A distance of 78 miles two pilots plus



1 French

2 docking pilot.

3 A. That is correct, each pilot does
4 about 40 miles of piloting in the river, one from the
5 pilot boat to Brunsbettel and the other one from Bruns-
6 bettel to Hamburg. When the ship gets in the Hamburg
7 Harbour then there is a pilot who gets on board for the
8 last part of the trip.

9 Q. The figures which you have given
10 in Exhibit 884, do they include docking expenses?

11 A. No, they don't.

12 Q. Then you have the Kiel, four
13 pilots used there. You have a docking pilot. You have
14 no figures for this canal?

15 A. No, we haven't calculated the
16 tariff there. One should know that when a ship comes
17 to the transit of the Kiel Canal there is . . .

18 Q. I am sorry for interrupting you.
19 Maybe we could come back on this explanation when we
20 discuss about the number of pilots and the workload
21 problem and we can end up with the explanation of Exhibit
22 884. I note at certain places you have indicated
23 separately expenses for pilots boats and in another
24 place these expenses are not indicated. In the case of
25 Le Havre do we have to conclude that the pilot boats'
26 expenses are included in the figure which you have given
27 here?

28 A. That is correct. When there is
29 a black dot it means that it includes administration
30 cost. It is in the footnote. In Le Havre the boat is



1 French
2 the property of the pilots.

3 Q. You have here the difference
4 between the single pilotage tariff and the diversified
5 or double tariff system. If you agree we can now
6 tackle the question of the workload. Mr. Jacques put
7 a number of questions to you before on this subject
8 and we had decided to leave the study of the matter
9 until later.

10 A. First of all I would like to warn
11 you about something. The workload is calculated accord-
12 ing to the different concepts of the workload. The
13 only place where they attach the greatest importance
14 to hours, minutes and so forth are the places where
15 the civil servants are employed and they ~~tried~~ to reach
16 a week of 45 hours, 40 hours or 37.5 hours. When there
17 is free enterprise there is more work done in peak
18 periods and less in the slow seasons. It is a question
19 of service rather than a question of hours. The hours
20 of work are calculated, of course, for certain comparisons
21 but not such great importance ~~are~~ attached to these
22 hours of work.

23 For comparison's sake we have statistics
24 which are official which have been given to us on
25 behalf of the representatives of the London Transport
26 Ministry and also by the Federation of French Pilots.
27 We have ~~compared~~ the various statistics with that
28 of the Merchant Navy Ministry.

29 Q. Before we deal with these new
30 statistics I would like to come back to Exhibit 884 and



1 French

2 I see:

3 "Foreign exchange rate, October,
4 "1963".

5 Did you do this personally yourself.

DD2 6 The amounts here are in Canadian dollars.

7 A. Yes, that is the foreign exchange
8 rate for October, 1963 in pounds, in francs et cetera.

9 Q. I would like to put a question
10 to you: Did you choose these districts or these harbours
11 according to one particular principle? Did you have
12 a preselection, so to speak before you chose the
13 districts where pilotage tariffs were particularly high?

14 A. No, we have tried to compare
15 equivalent distances. Of course it is difficult to find
16 rivers as long as the St. Lawrence. We have the Danube which
17 is 129 miles. In the European harbours we have taken,
18 of course, the rivers and a few harbours just to make
19 comparison simpler. With our harbour in Montreal we
20 have taken Le Havre with a maximum distance of 11 miles
21 which is that of the Harbour of Montreal.

22 Q. You have no Italian tariffs appear-
23 ing on the list here. What is the reason for this?
24 Why don't you have the Harbour of Marseilles in your
25 list, for instance?

26 A. There is no specific reason. We
27 had to limit ourselves to a few examples.

28 Q. If you took a list of the Italian
29 harbours or the Marseilles Harbours, the distances are
30 very very short for pilotage.



1 French

2 A. Yes, extremely short, four miles,
3 five miles, six miles. They don't approach us as far
4 as big harbours because it is open on the Mediterranean.

5 Q. You mentioned certain documents.
6 I would like to file some of these documents. I would
7 like to table the first document, a document which was
8 given us by the Federation of French Pilots which was
9 confirmed by the Secretary of the Merchant Navy, the
10 Minister in charge of the Merchant Navy in Paris and
11 covers the year 1960. This is a very detailed document.

12 THE CHAIRMAN: This will be Exhibit 885.

13
14 ---EXHIBIT NO. 885:

Document issued to the
Commission by the Feder-
ation of French Pilots
confirmed by the Secret-
ary of the Merchant Navy,
Minister in charge of
Merchant Navy in Paris
covering the year 1960.

15
16
17
18
19 MR. LALONDE: Q. There are statistics
20 on all the pilotage stations in France. They will
21 include the income shares of the pilots, the share
22 given to the retired pilots, the monthly average gross
23 remuneration of the pilot, the value of the renewing
24 of naval equipment, the average net tonnage in and out,
25 the average price per ton in and out, the piloted tonnage
26 in net tons, the number of piloted operations divided
27 up into two groups, outgoing and ingoing and movages,
28 the personnel divided into three groups: pilots,
29 sailing crews and ground staff, another column called
30 monthly average activities of the pilot ingoing and out-



1 French

2 going, movages, total and the last item called gross
3 receipts.

4 This covers a total of 49 pilotage stations
5 in France. I would like to file another document as
6 Exhibit No. 886 entitled Summary of Pilotage Returns
7 for Year Ended 1961 and which covers the pilotage
8 districts of England including Scotland and Northern
9 Ireland. This document includes a list of items. In
10 the first place: whether pilotage is : compulsory or
11 non-compulsory; number of licensed pilots and apprent-
12 ices on 31.12.61; number of pilotage certificates in
13 force on 31.12.61; number of ships piloted in the year
14 ended 31.12.61; total amounts received for pilotage
15 et cetera (British and foreign) during the year ended
16 31.12.61; average earnings, pilotage and extra services
17 per pilot for year ended 31.12.61; balance of pilot
18 fund on account on 31.12.61; balance of pilots' benefit
19 from superannuation fund including value of dividends
20 on 31.12.61; whether earnings of pilots are pooled;
21 total net tonnage of vessels piloted inwards and
22 outwards and finally remarks.

23
24 ---EXHIBIT NO. 886:

Document entitled Summary
of Pilotage Returns for
Year Ended 1961 covering
pilotage districts of
England, Scotland and
Northern Ireland illustrat-
ing statistics for the
year ending December 31st,
1961 and above outlined.

29 Q. Mr. Bedard could we examine and
30 having in mind Exhibit 885 and 886 filed before this



1 French

2 Commission, could you please in the first place make
3 comments relating to the number of pilots used for
4 transits as regards the distance as indicated by Exhibit
5 882?

6 A. Well, the comments that we might
7 make is that generally speaking the European pilots when
8 they have a distance of more than 40 miles to cover are
9 replaced either by a pilot for docking or another pilot
10 to cover the rest of the distance on the river. We
11 have certain Districts here in Canada where the distance
12 -- the distance from Quebec is 122 miles, in Montreal
13 each pilot accomplishes about 78 miles, from Montreal
14 to Cornwall, 83; Cornwall to Kingston 103 miles. With
15 the distance for the harbours on such a river, if we
16 followed the same trend as existed elsewhere in the
17 other harbours the pilots would be subdivided into two.

18 In the first place you would have a
19 pilot that would cover one part of the river and another
20 pilot that would have the second part of the river and
21 another one, perhaps, for docking. It may seem that
22 certain pilots, that the St. Lawrence pilots have a
23 great workload during a period of nine months, and
24 then three months of vacation. This may be true for the
25 Upper St. Lawrence area. Their work starts later on
26 and finishes earlier.

27 This year we had some vessels until December
28 15th, and perhaps the navigation season will start
29 earlier this year while in the Lower St. Lawrence we
30 have got to the point where navigation takes place



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1 French

2 practically during the whole year. In the harbour where
3 navigation is open all year round a period of time is
4 provided for vacations, at least one period of a month's
5 vacation, a week or a fortnight here and there as well as
6 the case of holiday.

7 -----



MR/RPS 1 French

2 For example, in Holland the pilot must
3 be on duty and available four days per week and the
4 other days the pilots need not be available so if we
5 had the number of days that the pilots would be avail-
6 able for the St. Lawrence and for the work of these
7 American and European harbours, we would say that the
8 period of work for the St. Lawrence pilots is as lengthy,
9 and at time lengthier than the period of work of a pilot
10 who is working only at one harbour or where the harbour
11 is open the whole year round.

12 There is an interesting fact in Le
13 Havre Harbour, the pilotage distances may be compared
14 to the Montreal Harbour and where according to Exhibit
15 85 the total number of incoming, outgoing and movages
16 for pilots, which on a monthly basis is 24.6, whilst
17 in the Montreal Harbour you can establish this average
18 at approximately 48 movages per month for the
19 navigation period. That is over a period of eight and
20 a half months to nine months. This morning we have
21 the example of the New York Harbour where it had been
22 established that the New York Harbour pilots accomplished
23 180 trips on the average per year and that the maximum
24 distance was 42 miles.

25 If we take for example the pilots of the
26 Mid-St. Lawrence either from Quebec to Three Rivers, or
27 from Three Rivers to Montreal, we can see that during
28 the navigation season they accomplished approximately
29 150 trips and in practically all the cases the pilotage
30 is performed over the whole area of 70 miles, with a few



1 French

2 exceptions, whilst in the New York Harbour 42 miles
3 is the maximum distance and the minimum distance is
4 12 miles. Now the ratio may be greater or smaller but
5 we may compare with the yield or the performance of
6 pilots in the St. Lawrence which is extremely active
7 over this period of nine months and if we can compare
8 that with Le Havre, in nine months we accomplished far
9 more work in nine months than would be accomplished
10 in Le Havre on a yearly basis.

11 Now to make a comparison between the
12 New York Harbour pilots and the Le Havre pilots, if
13 you have a maximum distance of 42 miles and we say
14 that they accomplished about 150 trips, in certain
15 sections of the District extending over a 70-mile area,
16 and then the trips are practically on the whole area
17 of the District. Now if we take locations, for example,
18 where there are locks -- I don't recall any locations
19 where a pilot docked the vessel inside the lock -- he
20 will go on piloting on the other side, but let's take
21 the example of Kiel Canal. You have a pilot who is
22 going to go on board the pilot vessel anchored at
23 pilotage station No. 1 at the mouth of the Elbe.

24 From the pilot boat he will bring the
25 vessel over a distance of approximately 40 miles and
26 in proximity of the locks to enter the Kiel Canal. There
27 a pilot is dispatched in order to replace him and
28 take the vessel inside the lock. Well then there is
29 another pilot who will replace the preceding one at
30 the lock and will bring the vessel up to the half mark



1 French

2 of the canal, a distance of 32 miles.

3 Another pilot will take the vessel to the
4 other end, that is to the outbound lock and there
5 he will go up and if the vessel goes to dock in the
6 City of Kiel or Haultenau there is another pilot who
7 will take the vessel from the lock and bring it to the
8 wharf.

9 Q. Thus you indicate that there are
10 four pilots for the transitting in the case of the
11 Kiel Canal?

12 A. Yes, that is correct.

13 Q. This would include the pilot at
14 the entrance to the lock, the two pilots in the canal
15 and the pilot at the exit of the canal and then you had
16 a docking pilot which would mean that there would be
17 a fifth pilot somewhere. In these four pilots do you
18 include the Brunsbittel pilot at the entrance to the
19 lock?

20 A. That is correct.

21 Q. So you have from Brunsbittel to the
22 entrance of the lock, the entrance in the lock, the
23 two on the canal plus the docking pilot if the vessel
24 docks either at Haultenau or at Kiel outside of the
25 canal itself. Could you please refer to the marine
26 chart and we might file this chart for the Commission
27 and indicate exactly what you have said on this chart.

28 I would like to file this chart as
29 Exhibit 887.
30



1 French

2 ---EXHIBIT NO. 887:

Chart representing the
northern part of Germany
and Denmark and entitled:
"Die Nord-Und-Ostsee".

3
4
5 Q. Would you indicate on this chart
6 with a red pencil the different locations you have
7 just referred to, enumerating the four pilots you
8 mentioned plus a docking pilot using figures 1, 2, 3,
9 4 and 5.

10 A. (Witness indicates.)

11 THE CHAIRMAN: We stand adjourned until
12 tomorrow morning at 10:00 o'clock.

13
14 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

15 WEDNESDAY, THE 15th DAY OF

16 JANUARY, 1964.

17 * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

VOLUME No.:

96 A

DATE:

Jan. 15, 1964

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the International
Aviation Building, Montreal,
Quebec, on Wednesday, the 15th
day of January, 1964.

COMMISSION

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL

Mr. Maurice Jacques

PRESENT

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Feder- ation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Cor- poration of the Mid-St. Lawrence Pilots; the Cor- poration of the St. Lawrence River and Sea- way Pilots; the Corpor- ation of the Upper St. Lawrence Pilots.

* * * * *



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Cross-Examination by Mr. Brisset

11918
11996

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* * * * *



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Montreal, Quebec
Wednesday 11915
January 15th, 1964

MR/RPS 1 English

2 ---ON COMMENCING AT 10:00 A.M.

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MR. JACQUES: Before we resume the evidence of Mr. Bedard, I should like to file further documents relating to pilotage abroad. I have the documents relating to brief legislation which I should like to file as Exhibit 888, and these documents include the law and two Royal Decrees.

---EXHIBIT NO. 888: Brief legislation including the law and two Royal Decrees.

MR. JACQUES: As Exhibit 889 I should like to file documents relating to pilotage in Denmark. The translations are now available. I am sorry I cannot pronounce all these words. It includes pilotage rates in pilotage areas in the law.

---EXHIBIT NO. 889: Documents relating to pilotage in Denmark.

---EXHIBIT NO. 890: The documents relating to Pilotage in Sweden.

MR. JACQUES: Documents are not available here because they are with the translators at the moment.

As Exhibit 891, the documents relating to pilotage in Norway including the law and instructions for pilotage and provisions for regulating the supply of pilots and pilot certificates.



1 English

2 ---EXHIBIT NO. 891:

Documents relating to
pilotage in Norway.

3
4 As Exhibit 892 documents relating to
5 pilotage in New Zealand including the Harbours Act
6 of 1950 with the amendments and the by-laws and
7 regulations of the Wellington Harbours Board.

8
9 ---EXHIBIT NO. 893:

Documents relating to
pilotage in Australia.

10
11 MR. JACQUES: They are quite numerous
12 and they include regulations concerning pilotage rates,
13 superannuation fund, Marine Act, the Harbours Act,
14 Navigation Act, and regulations and Marine Pilotage
15 Organization. These documents will be available, most
16 of them in Ottawa and translations will also be
17 available for the parties, if they wish to consult them.

18 Now my lord we have received from the
19 D.O.T. the annual returns for the District of Quebec
20 for the years 1960, 1961 and 1962. They will be
21 annexed to the other annual returns for the other
22 Districts in the area which have been filed as Exhibit
23 534.

24 Last night Mr. Lalonde and Mr. Nadeau
25 and myself have compared the documents which we have
26 concerning foreign legislation and these documents
27 will be brought into line. Mr. Lalonde knows what
28 we have, and we know what we lack by way of information.
29 This will be completed and added to the exhibits
30 already filed.



1 English

2 THE CHAIRMAN: When we talked of the
3 exhibits, I had a few notes here with regard to various
4 things that Captain Edwards was supposed to file and
5 Mr. Lalonde also. I don't know whether this was
6 completed or not. For instance, as far as Mr. Lalonde
7 was concerned, in regard to Exhibit 848, by-law No. 3 ---

8 MR. LALONDE: It has been filed yesterday
9 my lord with the Secretary. Mr. Nadeau has given me
10 a list of exhibits.

11 THE CHAIRMAN: So this was taken care of?

12 MR. LALONDE: He gave me a list of
13 exhibits, six exhibits which I am going to look after.

14 THE CHAIRMAN: And there is also Mr.
15 Saucier and Captain Edwards.

16 MR. LALONDE: I have Mr. Saucier's list.

17 MR. BRISSET: Have any of these been
18 filed, particularly the distribution of the common fund
19 in the District of Montreal?

20 MR. LALONDE: I don't have that on the
21 list here. I don't think it has been filed. I will
22 make a note of it and check.

23 MR. BRISSET: On the last day of the
24 hearing in December, we asked for a statement to be
25 annexed to the balance sheet.

26 THE CHAIRMAN: Final distribution sheets
27 to be annexed to distribution statements.

28 MR. BRISSET: Yes.

29 MR. LALONDE: I also would like to file
30 and annex to the Belgium legislation the tariff for 1962



English

for dock pilotage in the Port of Antwerp by the Brabo pilots. This is the co-operative society bearing the name of the Antwerp dock pilots and boatmen corporation. This is a partial answer to Mr. Smith's request yesterday to know what the docking fee would be in Antwerp and other ports, as part of Exhibit 875.

(THROUGH THE INTERPRETER.)

ANDRE BEDARD, Recalled

DIRECT EXAMINATION BY MR. LALONDE (CONTINUED):

Q. Mr. Bedard we were examining Exhibits 882 and 884 and you had finished yesterday's session by indicating on the chart the different changeovers of pilots occurring, for example, in the case of the Kiel Canal. Moreover, I notice when we go on to Exhibit 882 that you have as a following item the case of the Suez Canal where you indicate four pilots. I would like to hand you a chart of the Suez Canal and I would like to file it now as Exhibit 894 and I would ask you to indicate with a red pencil on this chart the different changeovers of pilots mentioned in your Exhibit 882.

---EXHIBIT NO. 894: Chart of the Suez Canal.

A. Your lordship when a vessel comes from the Mediterranean, one pilot proceeds outside the breakwater and brings the vessel to station, to anchorage station inside this breakwater where there is a convoy



1 French

2 that is set up and there are two convoys: one towards
3 the Red Sea and the Mediterranean and the other one
4 in the direction towards the Mediterranean to the Red
5 Sea. As the convoys meet on Lake Bitter and Bellah
6 By-Pass the vessels never meet one with the other, when-
7 ever they are transitting. One convoy is going to stop
8 and let the other pass.

9 One will be here (indicating) and the
10 other one will pass in the canal and will be on what
11 we call the by-pass. From the point of view of pilot-
12 age, you have one pilot who is going to go on board the
13 vessel to bring the vessel to anchorage from the Med-
14 iterranean and the vessel will wait there. When the
15 convoy will be formed, there is a pilot who will take
16 the vessel from Port Siad up to Ismalia and another
17 pilot who will take the pilot from Ismalia up to Suez
18 or the most of the canal to the Red Sea and there a
19 pilot will go on board at Suez in order to bring the
20 vessel in the Red Sea itself. That is a few miles off
21 the exit of the harbour. That is why the four pilots
22 are needed for the transitting of the canal.

23 MR. JACQUES: Do you know ever since
24 when the Suez Canal has imposed the obligation or gives
25 the service of a pilot in order to take the vessels out
26 of the Suez Canal itself?

27 THE WITNESS: I don't know exactly but
28 it is in force at the present time. Since when, I don't
29 know exactly.

30 Now something that interested us along



1 French

2 the canal is the fact that there are relay stations
3 for radio and the pilot has his radio equipment on
4 board and everything is controlled from Ismalia so there
5 is constant radio communication with the central station
6 at Ismalia.

7 Q. I also notice that you have
8 indicated an approximate distance of about 90 miles
9 for the Suez Canal?

10 A. That is correct. We can say
11 approximately Ismalia is halfway and the pilots on the
12 canal have 45 miles each and you have a pilot at both
13 ends of the canal.

14 Q. You mention two convoys, one-way
15 and one convoy in the other way I believe which go on
16 every day?

17 A. That is correct.

18 Q. Do you have any night navigation
19 with this system on the Suez Canal?

20 A. Yes.

21 Q. Now if we take the following
22 information on your Exhibit 882, you have the Panama
23 Canal where you have indicated that there are two pilots
24 for an approximate distance of 50 miles.

25 A. That is quite recent for Panama
26 Canal to use two pilots for the transitting and this is
27 not done at the present time on all vessels. This
28 practice has been started about two years ago to have
29 a changeover about halfway in the canal and at the present
30 time there is established a system according to which the



1 French

2 changeover of pilots will always be done at this halfway
3 point. There will always be two pilots in order to
4 undertake this transmitting.

5 THE CHAIRMAN: Approximately 50 miles?

6 THE WITNESS: Yes, that is correct.

7 Q. Now you have the case of the Kiel
8 Canal where you have indicated four pilots plus a
9 docking pilot and you have given us the details about
10 that yesterday?

11 A. That is correct.

12 Q. Now did you also have the opport-
13 unity of studying other cases regarding the workload
14 of pilots aside from those you mentioned yesterday? If
15 you remember, yesterday you mentioned the case for the
16 harbour, as well as the New York Harbour. Did you also
17 have the opportunity of studying the number of trips
18 performed by pilots on a yearly basis in other districts?

19 A. Yes. If we take, for example,
20 the Seine River, according to statistics supplied to
21 us, and which have been filed yesterday in Exhibit 885 ---

22 Q. This is indicated as Rouen on
23 Exhibit 884 as well as Exhibit 882.

24 A. And as inscribed, as I say, on
25 Exhibit 885 against the item average monthly activity
26 of a pilot. Statistics indicate each pilot performs
27 duties on 16-1/2 vessels every month.

28 Q. 16-1/2 vessels per month, this
29 would cover what distance?

30 A. Either 32 or 40 miles. 16-1/2 vessels



1 French

2 per month in each section of the 32 miles, and another
3 one of 40 miles. Now from the point of view of the
A2 4 workload, the Seine pilots have organized this work
5 as follows: they have nine consecutive days on duty
6 and then four days of rest and then nine consecutive
7 days of work and four days of rest, and so forth.

8 Moreover, they have 30 days of a vacation
9 per year so if we divide the periods of rest and of
10 work, we find out that there are 26 periods of work
11 and 26 periods of rest of four days each so they have
12 104 days of rest, plus 30 days of a vacation.

13 Q. Did you study other districts as
14 well?

15 A. Yes. I notice, for example that
16 in Belgium the pilots are ten days on duty and three
17 days -- they have a period of three days of rest, and
18 so on. Moreover, they have 15 annual days of a
19 vacation, plus one more day for each five years of
20 service subsequently. And then they also have a 45-hour
21 work week.

22 Q. You are referring now to the
23 pilots under the scheme of the civil service in Belgium?

24 A. Yes, that is correct. The average
25 of turns is of 13 per month and the distance of pilotage
26 covered is approximately 46 miles. The total distance
27 of the pilotage is of 60 miles and whenever the vessel
28 goes beyond a location that is more than 46 miles, then
29 there is a changeover of pilots that occurs.

30 Q. Once more, you are referring to the



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1 French

2 Schelde River?

3 A. That is correct.

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FB/RPS

1 French

2 Now, these pilots are civil servants at
3 that particular location. In order to confirm what
4 I stated during the busy period I would like to quote
5 what has been told to us. It is important to notice
6 during this period of 60 days when the pilots are
7 supposed to be on duty at all times they have 13 hours
8 of rest after a both-way trip from Antwerp to Flessinger.
9 The shipowners claim about the fact the pilots seem
10 to be absent on Saturday. Mr. X told us that the
11 pilots have fixed wages and they wouldn't have any
12 interest whatsoever in not taking the 13 hours they are
13 entitled to, so the pilots don't make any special effort
14 in order to help out vessels that would like to depart
15 earlier.

16 We have been in the position to notice
17 that the Government tried to establish a certain amount
18 of motivation or incentive by giving additional amounts
19 of money and they put more than 200 special allowances
20 which may be calculated which they can get and then
21 they have used a slide rule in order to find out how
22 much more money could be earned by going on a given
23 course, but naturally this was fought, the idea was
24 fought and it seems that the effort wasn't too efficient.

25 There even was in Belgium about two
26 years ago a strike that lasted 24 hours and that strike
27 was due to the fact the pilots weren't satisfied with
28 their luck because they were classified according to
29 the civil service system only as chief clerks of an
30 office and they wanted, of course, to go to a higher



1 French

2 grade so they went on strike for 24 hours following which
3 the Ministry representative promised to study the whole
4 matter, and I think that this matter is still under
5 study. About ten years ago they have also another stoppage
6 of work which had lasted eight days.

7 In Holland the pilots who are active
8 pilots are all reserve officers of the Royal Navy and
9 they must give an oath never to go on strike during the
10 performance of their duties as pilots. They have a
11 rest system, vacation system which is four days work
12 a week and three days of rest every week. They have a
13 45-hour work week and aside from that they have 20 days
14 of vacation plus six statutory holidays.

15 If we take the 20 days of vacation and
16 six statutory holidays or bank holidays well they could
17 have it this consecutive vacation and these days of
18 vacation would be taken from a period of duty and not
19 from a period of rest. In practice this isn't implement-
20 ed because it might take away too many pilots at a given
21 period of time from the station but with 365 days per
22 year, and we take 26 days for vacations and bank holidays
23 out of the 48 weeks remaining we take three days per
24 week, this gives a total of 144 days.

25 Q. Would that be 20 or 26 days if the
26 bank holidays fall on Sunday?

27 A. Well, it is reimbursed to him if
28 it falls on Sunday. This means during a period of 170
29 days the pilot is idle, he is either on rest period or
30 on a vacation. The pilotage district from Amsterdam to



1 French

2 the sea is five to eight miles and the average trips
3 performed by pilots vary from 19 to 23 per month.

4 Q. You stated from Amsterdam to the
5 sea?

6 A. From Rotterdam to the sea the
7 maximum distance is 16 miles and the monthly average of
8 trips is 27, 20 trips, 27 for the pilots who are going
9 to sea and 20 for the others and they have a long waiting
10 period whenever they are waiting for a vessel at sea.
11 The average time from residence to residence for pilots
12 in Rotterdam is 10.2 hours for pilots coming from the
13 sea and 6.3 for pilots leaving the harbour going towards
14 sea. When we calculate the figures we have 44 hours
15 per week during the four working days in a week and
16 they call effective working from domicile to domicile.

17 In the Glasgow Harbour -- do you under-
18 stand the situation, that there are pilots who can take
19 boats at Cumbrae Island.

20 Q. Would you like to point out these
21 place and underline them in red on the chart which is
22 before you, and we will give to this chart the number
23 Exhibit 895, map of Firth and Clyde Approaches.

24
25 ---EXHIBIT NO. 895:

Map of Firth and Clyde
Approaches.

26
27 A. The pilots embarking in little
28 little Cumbrae have to do 16 miles, as far as Greenoch.
29 This is not a compulsory pilotage area. Then to go as
30 far as the Port of Glasgow the maximum distance is 22 miles.



1 English

2 COMMISSIONER SMITH: Captain, while you
3 were speaking about ports in France I overlooked asking
4 you a question for some information which I didn't
5 understand with regards Exhibit 884. The comparison
6 is made between piloting in Montreal Harbour which is
7 11 miles and the piloting in the Harbour of Le Havre
8 which is the same distance, and a ship, the HIKAWA is
9 one that the application of the pilotage tariff is
10 made on.

11 In Montreal Harbour the dues, according
12 to the statement, amounts to \$41 compared to Le Havre
13 of \$143.45 which in Le Havre includes the administrative
14 costs. If all the pilotage separate of administration
15 is equivalent, and the mileage is certainly equivalent,
16 if all other elements are equivalent to the two ports
17 then there is an administrative cost in Le Havre of
18 \$102.05 on one ship which seems to be quite a large
19 figure. Maybe I haven't got my mathematics in proper
20 order, but I don't quite understand why there would be
21 so much administration costs on one ship and in equivalent
22 distance if all the other pilotage elements are equivalent?

23 MR. LALONDE: You are saying, Mr. Smith,
24 that the money which goes to the pilot is the same in
25 both cases?

26 THE WITNESS: It is not the case, sir.
27 The difference in between the \$41 and the \$143.05 is
28 not necessarily the administrative cost at all. The
29 cost at Le Havre is global for pilotage revenues admin-
30 istration costs. We were told in most places, although



1 English

2 I can't verify it for Le Havre that it is usual in these
3 places where they have heavy expenditures such as
4 pilot boats and so on that the administration costs
5 were about one-third of the pilotage dues. In this
6 factor here you very likely have a good bit of the
7 difference between the two amounts which are pilotage
8 dues which are going to the pilots' pockets at the
9 end of the month.

10 COMMISSIONER SMITH: So that you would
11 have some global expenses assigned out of that, some
12 pilot boat expenses, some office administration and . . .

13 MR. LALONDE: Retired pilots.

14 COMMISSIONER SMITH: Pensions.

15 THE WITNESS: Another element that must
16 be taken is that in Le Havre according to the sheets
17 we have here, that is Exhibit 885, it shows that the
18 pilots do an average of 24.16 trips per month in the
19 Harbour of Le Havre. In the Harbour of Montreal in the
20 same month the average is 48 trips per month. The
21 output is more.

22 COMMISSIONER SMITH: That is a factor.
23 Certainly that is important to consider, I know.

24 MR. LALONDE: So that to earn the same
25 money, assuming that they earned the same money the
26 Montreal Harbour pilots would have to work twice as much.

27 COMMISSIONER SMITH: Thank you, Captain.

28 (THROUGH THE INTERPRETER.)

29 MR. LALONDE: Q. Did you tell us all
30 you wanted to see on this matter?



1 French

2 A. In the upper part of the Clyde
3 River from Greenoch to Glasgow the average of pilotage
4 turns is 14.6 per month which gives a total hours of
5 work in Glasgow and we reckon two hours before the
6 departure of the ship and two hours after the pilot
7 has left the ship to come back.

8 Q. Did you say two hours before the
9 ship actually sails or two hours before the pilots is
10 called for the sailing time or boarding time?

11 A. It is two hours plus the actual
12 trip for the pilot, two hours before and two hours after.
13 The average hours of work including these two hours
14 is 99.13 per month. It is interesting to note that
15 in the Glasgow Harbour these pilots since 1956 have an
16 income which goes from 1,500 pounds to 2,493 pounds
17 whereas the number of turns went down from 160 to 150
18 turns. In this connection this includes strictly the
19 amounts of money that are collected for pilotage dues
20 and it doesn't take into account the money which was
21 directly paid to the pilot and which was about 90 pounds
22 per pilot in 1962.

23 This doesn't take into account the
24 money which the pilots got as bonuses when they pay
25 extra, when they pilot outside of their district.

26 Q. Do some pilots pilot outside their
27 district?

28 A. Yes, they do. Now, for rest
29 period it is 41 days a year. During this 41 days a
30 year they are always on the pilotage list. If we take



1 French
2 into account the 99.13 hours per month we can see that
3 they have long periods of rest as well as periods of
4 work.

5 Q. You mentioned 14.6 turns per
6 month between Grennoch and Glasgow. How long is the
7 distance between those two places?

8 A For pilots for the Elba River to
9 Hamburg, still talking about workloads, the established
10 average of turns for a distance of about 40 miles is
11 mostly 15.6 per month which is a normal workload. The
12 active pilots usually do 19 turns on an average but
13 working holidays about 22 per cent. During the peak
14 periods pilot have had to do up to 24 trips.

15 Q. You said that the average divided
16 by the number of active pilots was in 1962 nineteen?

17 A. Yes, nineteen.

18 Q. For what year?

19 A. 1962, I believe.

20 Q. The year before we went there?

21 A. Yes. As regards the rest periods
22 and holiday periods, 50 days holiday; 30 days in the
23 summer, 12 days in the winter and eight days at any
24 time according to the wishes of the pilot. When I
25 quote these days of rest and holidays I would like to
26 say on the St. Lawrence we have long periods of rest
27 in the winter. In Holland we have 170 days during
28 which pilots don't work.

29 MR. JACQUES: Do you have the number of
30 rest periods for the Elba River, you didn't give that to us?



1 French

2 THE WITNESS: Yes, I have. On the
3 Elba River the number of hours per turn -- do you want
4 it by month or by turn? On the average it is 10.5
5 hours of work per day for 60 weeks.

6 MR. JACQUES: Would you like to break
7 down the figure?

8 THE WITNESS: Yes. You must understand
9 how these averages are calculated. First of all three hours
10 of waiting are given to the pilot before he is assigned
11 a ship in the pilotage station. Then one calculates
12 the time to go from the pilotage station to the tugboat,
13 from the tugboat to the ship, from the tug to the
14 station, on board. Once the pilot will disembark coming
15 from Hamburg -- I don't think it is necessary for me
16 to read out this text because I have read it out once
17 already.

18 MR. LALONDE: Q. Yes, I think it is
19 better to read it all over again.

20 A. One calculates the waiting time
21 at the disembarkation point of the arrival of the
22 tugboat or the pilot boat coming from Hamburg disembarks.
23 One calculates the waiting time at that place. The
24 time, the arrival of the tugboat or the pilot boat
25 to the ship and the time for the return trip. Then
26 one adds hours from the starting of the return time,
27 say 30 minutes prior to getting back to his residence.

28 Here we have 10.5 hours of work per day
29 for a five-day week. Mr. X told us that if all the
30 figures had the same value the total would be about 16



1 French
2 hours per turn. The time spent waiting for the ship
3 is not regulated one hundred per cent. It is rated
4 on a lower rate than the time actually spent piloting
5 the ship. Does this answer your question, Mr. Jacques?
6 We could do it through the document.

7 MR. LANGLOIS: What is the average of
8 trips per pilot per week?

9 THE WITNESS: The monthly average is 19.

10 MR. JACQUES: Do the pilots on the Elba
11 work 4-1/2 weeks per month?

12 THE WITNESS: They have the possibility
13 of 50 days of vacation. They are also on tour de role
14 the same as the pilots in Canada.

15 Q. During a given month do the duty
16 pilots enjoy a vacation?

17 THE WITNESS: None whatsoever.

18 MR. JACQUES: They are on duty during
19 the whole month?

20 THE WITNESS: Unless one's vacation
21 period occurs during that time. If he is not on a
22 period of vacation during the month of December, for
23 example, he is on duty during the whole month. The
24 Europeans want to work like others and make as much
25 money as they can.

26 MR. JACQUES: They haven't undertake
27 an examination of the Canadian system as yet.

28 MR. LALONDE: Q. Are there any other
29 districts that you studied that you would like to mention
30 here, about which you have some statistics?



1 French

2 A. No, those are the main places. Perhaps
3 we could sort of use our notes to talk about others,
4 but I think that these are the main places concerning the
5 vacation period, rest period and the workload. Once
6 more I would like to warn you on the workload, in many
7 places workload is considered only on a comparative
8 basis. The service rendered is what is taken into
9 account

10 Q. Do you mean by that the number of
11 trips?

12 A. Yes.

13 Q. As we are dealing with this matter
14 of workload I would like to annex to the American document
15 filed yesterday, I would file it after having pointed
16 out last night to the staff of the Commission and the
17 legal adviser for the Commission, this document has been
18 given to me by Mr. Whitman, Secretary of the Panama Canal
19 Company and which is a new scale of Wages for the pilots
20 in the Panama Canal, effective starting October 14th,
21 1962. The document that the Commission has in its
22 records included the previous wage scale. Mr. Whitman
23 gave me at the same time a summary of the general working
24 conditions relating to this wage scale.

25 THE CHAIRMAN: We have documents regarding
26 the Panama Canal which have received an exhibit number?

27 THE SECRETARY: I don't think so.

28 MR. LALONDE: I thought that this
29 document could be annexed to the United States document
30 but because of the present situation existing between the



1 French

2 two countries I think it would be a good idea to have
3 a separate exhibit number.

4 THE CHAIRMAN: I think we could give
5 it an entirely different exhibit number.

6 MR. BRISSET: We have already filed
7 several documents regarding Panama when we were holding
8 hearings in Montreal previously.

9 MR. LALONDE: And the Commission has
10 on the record the Chapter 4 of the By-Laws governing
11 the Panama Canal which enumerated all the different
12 exemptions granted in the canal and which are quite
13 minimal.

14 THE CHAIRMAN: Well, we are going to
15 leave a blank as an exhibit number and the Secretary
16 as soon as he finds the right number is going to give
17 it to the stenographer.

18 MR. JACQUES: We will include under that
19 exhibit all the documents having to do with Panama.

20 THE SECRETARY: The exhibit number is
21 496.

22 MR. LALONDE: I would also like to
23 add to the documents filed for England excerpts from
24 by-laws as to pilotage rates and pilotage certificates
25 of the Pilotage Authority especially for Glasgow Harbour.
26 I would like to draw the attention of the Commission upon
27 paragraphs 478 to 480 which enumerate the number of
28 vessels exempted from compulsory pilotage in the district
29 and paragraph 478: vessels not carrying passengers and
30 not exceeding one hundred tons gross tonnage shall be



1 French

2 exempt from compulsory pilotage. The two other para-
3 graphs refer to the vessels piloting in the districts
4 themselves such as ferry boats, tugboats and so forth.

5 THE CHAIRMAN: This document is going
6 to be added to the bundle already filed as Exhibit 884.

7 MR. LALONDE: I would also like to add
8 to the bundle of American documents Articles of Assoc-
9 iation of the United New Jersey Sandy Hill Pilots'
10 Benevolent Association. I filed a document regarding
11 the Pilots' Association of New York, this was New York
12 Harbour, and there is also the Association of Pilots
13 for New Jersey which are jointly for the Association
14 of New York Harbour Pilots and serve jointly the two
15 Associations. From the legal point of view they are
16 separate entities.

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18 -----
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R/rps 1 French

2 They have joint ownership for all the
3 material, or all the equipment at the station and
4 they have combined all of their operations. However,
5 I think that the New Jersey Association, being governed
6 by a law which is slightly different, it is interesting
7 to see how this particular organization is set up and
8 it includes all the amendments up to June 1st 1961
9 inclusive.

10 THE CHAIRMAN: The exhibit number is
11 879. This document will then be filed under that
12 exhibit number.

13 Q. Would you like to add certain
14 comments, general comments to this recommendation No. 21
15 and to the document that you have filed, Mr. Bedard,
16 or would you like to proceed to the examination of
17 recommendation No. 22?

18 A. No. I think that the exhibit
19 filed indicating the pilotage dues throughout the
20 world is self-explanatory and I don't have any further
21 comments to add for the time being.

22 Q. Recommendation No. 22, paragraph
23 562 on page 211 enumerates a certain number of
24 criteria regarding the tariff.

25 "The rates for administration must
26 "be established at a level which commits
27 "the payment of all the costs of
28 "administration. Any surplus would be
29 "applied to a reduction in the tariff.
30 "The rates for pilotage services proper



1 French

2 "would be governed by the public interest,
3 "the value of the services rendered, the
4 "cost to the shipowners and the necessity
5 "of attracting to the pilotage profession
6 "the finest candidates the maritime world
7 "can offer."

8 I notice that as a comment to that
9 recommendation you criticize this system as is indicated
10 by the Letch Report in England. That report, your
11 lordship, has been annexed to the document filed before
12 the Commission and the document as filed contains the
13 wage scale as recommended by the Joint Committee of
14 Shipowners, and Pilots in 1962. Do you have any comments
15 to make regarding this recommendation?

16 A. No, I think that we already
17 mentioned the Letch Report and his recommendation as
18 such, which is quite adequate.

19 Q. Recommendation No. 23, cancellation
20 of departure and detention, paragraph 575 on page 215
21 of the English text.

22 "The amounts paid for cancellation
23 "of a departure and detention are
24 "inadequate and must be made uniform."

25 A. At the present time the detention
26 rates for pilots on board a vessel vary from one district
27 to another of \$3 to \$5 per hour with generally a
28 maximum imposed of \$25 a day. This is certainly not
29 adequate when we consider that when we call a plumber
30 to our home it costs \$3 per hour and at times for a



1 French

2 mechanic it costs us even higher.

3 Q. I think it costs even more than
4 that to have a plumber come to your home in Montreal.

5 A. I think that the principle of
6 having costs for cancellation of departure of \$10 and
7 rates of detention vary from \$3 to \$5 per hour ---

8 Q. Is that a maximum?

9 A. Yes, there is a maximum of \$25 per
10 day.

11 Q. Do you have any specific recommend-
12 ations to make about that or is your comment simply
13 a general comment?

14 A. I think that if we add that to the
15 value of the service rendered, we could have detention
16 rate on board the vessel of \$10 per hour with a maximum
17 of 8 hrs. Insofar as the cancellation and departure
18 rates are concerned, a pilot has to leave his home, take
19 a taxi in order to go to the pilotage station and thence
20 go to the vessel, get on board the vessel and then be
21 cancelled and then go back home. Well naturally this
22 \$10 allowance is depleted, or has been entirely spent
23 and no consideration is given to the time lost so I
24 think that the departure rate, cancellation of \$25 would
25 be far more justified than the mere amount of \$10
26 existing today.

27 Q. Now recommendation No. 24, paragraph
28 577, on this matter your lordship it might be possible to
29 refer to the pilotage dues in foreign harbours regarding
30 detention rates and cancellation rates. I don't have



1 French

2 any document to file about that, but those documents
3 anyway are official. Prior payment of dues, recommend-
4 ation No. 24:

5 "The Corporations must be able
6 "to request the prior payment of pilotage
7 "dues or the deposit of a guarantee if
8 "there is doubt of the solvency of a
9 "ship or its agent."

10 I notice that you recommend an Article
11 which is quite similar to the one found in the American
12 by-laws covering pilotage in the Great Lakes Basin?

13 A. That is correct and in many
14 countries in Europe such proviso exists. In Holland,
15 for example, where the custom controller demands
16 payment of dues before the departure of the vessel.

17 Q. I note that the Canada Shipping
18 Act provides that the ship may be free to leave Canada
19 without having to pay all the pilotage dues. To your
20 knowledge has this clause ever been applied?

21 A. Not to my knowledge. Are these
22 dues which have been entered for the ship, does it
23 include the pilotage dues? This doesn't guarantee the
24 pilotage dues anyway in order to go out of the Canadian
25 waters.

26 THE CHAIRMAN: In Holland the State
27 has understood the problem because since they have to
28 deal with civil servants, if they are not paid, they
29 have to be paid by the State.

30 Q. Recommendation No. 25, paragraph 579



1 French

2 Indemnity outside the District:

3 "Pilots required to leave their
4 "own District or to meet a vessel outside
5 "it have the right to an indemnity of
6 "\$50 per day for each day of absence from
7 "their District, besides payment of their
8 "first-class transportation costs, as
9 "well as their food and lodging."

10 A. At present it is provided under
11 the law that when pilots are beyond their District, they
12 are entitled to an indemnity of \$15 per day. In the
13 Lower St. Lawrence District a few years ago the President
14 of the Association passed an agreement with the shipowners,
15 the Shipping Federation. Both parties agreed that the
16 amount of money should be \$25 after a certain time.
17 The Transport Minister was informed about this decision
18 and we asked for the law to be altered.

19 Immediately the members of the Shipping
20 Federation paid out the \$25 until they realized that --
21 until an employee from the Ministry realized that the
22 law still stated \$15 and last year the Department only
23 sent bills for \$15.

24 Even with \$25 the detention dues are
25 still very very low. If it has gone from \$15 -- if there
26 is a tariff change of \$50 per day, the master would be
27 more inclined to disembark the pilots along the coast
28 or at Escoumains where they would have to wait for a few
29 hours. Of course, when a pilot is taken away from his
30 station he is not available to get his money in the pilotage



1 French

2 station where he works. Therefore, the proposal of
3 \$50 per day would be more adequate if he were available
4 for work.

5 MR. LANGLOIS: I would like to give an
6 explanation at this stage concerning the \$25. In between
7 the Shipping Federation and the Lower St. Lawrence
8 Pilots the question was raised before the Commission
9 about a month ago. After what was said by Mr. Brisset,
10 the pilots who did not get \$25 right away got the \$25
11 later on. It was made up.

12 Q. Now recommendation No. 26 -- excuse
13 me, before we deal with recommendation 26 we see here
14 that steps have been taken, vis a vis the pilots of the
15 Three Rivers--Quebec District so that they could embark
16 on the ships at Les Escoumains during the winter season?

17 A. Yes. I think this request has
18 been presented.

19 Q. That recommendation would also
20 apply if pilots agreed to such a move?

21 A. Yes. That should be covered this
22 way or should be covered under the revenues of the ship.

23 Q. Recommendation No. 26, paragraph
24 581, page 217 of the English text: Detention because
25 of stress of weather and ice.

26 "The exemption from detention fees
27 "because of stress of weather or ice
28 "must be removed for the period between
29 "the 1st of December and the 8th of April.
30 "The pilots must also receive, during this



1 French

2 "period, detention dues for any delay
3 "of more than six hours in the scheduled
4 "departure of a vessel."

5 A. Winter traffic, one of the things
6 that can happen, is one of the nicest things which can
7 happen for the pilots on the St. Lawrence, for the
8 cities concerned. However, the pilots must not be
9 disadvantaged from an economic point of view. We have
10 seen very recently the case of a ship which arrived in
11 Montreal at the beginning of January, the EL CADEAU
12 Pilots were embarked in Three Rivers and had to stay
13 for several days on board the ship before they reached
14 Montreal. And since there is a clause saying it is
15 an Act of God that there is ice, the pilots did not
16 get any supplementary remuneration, or any supplementary
17 income.

18 THE CHAIRMAN: It is no longer an Act
19 of God that there is ice or not in the channel is there?

20 THE WITNESS: That is why we write here
21 that during the period from the 1st of December and the
22 8th of April, which is the winter period, detention
23 fees should be paid when the ship is delayed from the
24 ordinary schedule.

25 Also a pilot is called on board a ship,
C2 26 you have some ships which have to leave Quebec or
27 Three Rivers upstream. The pilot is told to go on board
28 and then there is too much ice, so they decide to wait
29 for another hour, sometimes up to four and five days
30 and pilots who do not live in the City from which the boat



1 French

2 is leaving have a lot of expenses because they have to
3 put up at the hotel, and so forth, and they can't cope
4 under the present law.

5 Q I am glad you limit your request
6 from the period from the 1st of December to the 8th
7 of April. Are there any other places which you visit
8 where such a clause of detention, because of stress of
9 weather, provides that the pilot be paid throughout the
10 year?

11 A. It has occurred in Germany. If
12 the pilots are detained for more than 12 hours on board
13 a ship, they are entitled to a detention fee. The first
14 12 hours are free. After 12 hours they are entitled to
15 detention fees.

16 Q. In the New York Harbour is there
17 a similar clause?

18 A. There is one referring to the
19 Hudson River but I cannot tell you about the harbour
20 proper.

21 Q. I would like to file and annex to
22 the documents the pilotage by-laws relating to the
23 Manchester pilotage district. I would like to draw the
24 attention of the Commission to paragraph D of Article 2
25 of the annex to this document which reads as follows:

26 "Detention, stress of weather.

27 "If a pilot is detained on a vessel through

28 "stress of weather, the detention fee shall

29 "be payable after the first 12 hours at

30 "the rate of three shillings per hours or a



1 English

2 "part thereof in excess of 12 hours."

French 3 THE CHAIRMAN: This is appended to
4 bundle Exhibit No. 873.

5 Q. Your lordship the present situation
6 on the St. Lawrence is such that in the case of stress
7 of weather no indemnity whatsoever is paid.

8 Recommendation No. 27, paragraph 585:
9 Two pilots on board, page 218 of the English text:

10 "Between December 1st and April
11 "8th, there must be two pilots aboard
12 "the vessels and a double tariff must
13 "be paid."

14 THE CHAIRMAN: Is that a double tariff
15 per pilot?

16 Q. We can ask the witness whether
17 he is ready to go as far as that.

18 A. The first full tariff is charged
19 to the ship and then the second tariff, the second
20 fall tariff is charged but there is a maximum which
21 is \$100 which means that a ship with a tonnage which
22 is lower than the average will pay double tariff, whereas
23 a big vessel has an advantage because the second
24 tariff will never go beyond the maximum of \$100. This,
25 of course, is to the detriment of the smaller ships
26 but when there are two pilots on board during this
27 period, we consider there should be double tariff.
28 That is one tariff per pilot.

29 THE CHAIRMAN: You don't know the reason
30 why this regulation existed? Why there was no difference



1 French

2 between the small ship and big ship?

3 THE WITNESS: I have no idea. When the
4 winter tariff was established in 1960 we asked for
5 the two full tariffs to be charged but the Department
6 made this proposal of the ceiling at \$100. I don't
7 know who is responsible; whether the Minister or the
8 Department or the representatives of the shipowners.

9 Q. It seems that when it was decided,
10 if it were decided for the shipowners to have a special
11 winter tariff established, then the pilots would insist
12 to have one, and it will be difficult to have the
13 appeal swallowed by both parties.

14 THE CHAIRMAN: The ceiling system being
15 the rule, there will be a question of acceptance.

16 THE WITNESS: The winter tariff is
17 accepted everywhere except in the Cornwall-Kingston
18 District. Maybe it could not have applied in 1960, but
19 today since the Seaway is open after the 1st of December,
20 pilots are called upon to work in extremely difficult
21 conditions. That is why it should be fair and reasonable
22 that the pilots of this District could work two at a
23 time after the 1st of December and have the same
24 advantages as their colleagues from the Lower St. Lawrence.

25 Q. I have a question to put to you
26 which does not bear on Recommendation 27 but on Recommend-
27 ation 26, detention because of stress of weather in the
28 wintertime. You mentioned the case of the EL CADEAU
29 when the pilots had to stay on board several days because
30 of the icy conditions. In such circumstances do the pilots



1 French

2 have to carry out certain duties? Are they completely
3 free on board?

4 A. They are not completely free. They
5 have to keep an eye -- have to be on the bridge all the
6 time in case the ice changes. In case of tide and the
7 boat might be carried adrift in a difficult position.
8 Therefore, the pilots have to work constantly with the
9 engines for a stand, or vice-versa. It is very hard
10 work. I myself had to work with another pilot for
11 12 hours to do that manoeuvre and in the end we were
12 successful. We got the boat out of the ice. How we
13 managed, I don't know, but we certainly had to work hard.
14 We had an ice field and everything moved. The boat
15 moved and if a constant manoeuvre takes place, at one
16 point there will be a series of loosening of the ice
17 and we will be able to start again.

18 Q. So pilots do some supervision, even
19 if the vessel is delayed on account of ice conditions?

20 A. That is correct.

21 Q. Recommendation No. 28: Pilotage
22 licences. Paragraph 589, page 219 of the English
23 text:

24 "The pilots duly licensed by the
25 "Pilotage Authority are the only ones
26 "authorized to fulfil the duties of a
27 "pilot. No certificate of pilot-captain
28 "shall be issued authorizing pilotage
29 "by the holders of same in the pilotage
30 "districts."



1 French

2 I must say that you have referred here
3 to everything that has been mentioned in chapter 9?

4 A. Yes, and the first sentence which
5 states that the pilots duly licensed by the Pilotage
6 Authority are the only ones authorized to fulfil the
7 duties of a pilot, we know at the present time how
8 difficult it is for the D.O.T. to enforce such a by-law,
9 especially in the Seaway where there are many people
10 undertaking pilotage. These are people who are not
11 duly licensed. It has been shown before this Commission
12 that the Americans were working in the Canadian District
13 from Cornwall to Montreal and it has also been shown
14 that the ship's master may sign on five or six articles
15 on different vessels and, consequently, undertake
16 pilotage and I think that if we try to obtain licences
17 of captain-pilot well this would be very difficult.
18 Do you think that a ship's pilot-captain on the vessel
19 of 500 tons could sail a vessel or steer a vessel of
20 another tonnage?

21 And this will, of course, bring forth a
22 very difficult situation which would be very hard. In
23 all such countries where such practice already exists,
24 it seems that the system was to be abolished or at any
25 rate reduced, with the exception of the United States
26 where the licence is endorsed. We can say that this
27 licence of captain-pilot, it seems that the situation
28 is rather stable in the United States coast, even if
29 there are certain licences for pilot-captain of the
30 American coast, 90 per cent of these licences of pilot-



1 French

2 captain in the State of New York are just the same
3 State pilots.

4 Q. Recommendation No. 29: Penalties,
5 paragraph 591:

6 "Penalties imposed upon a captain
7 "who does not take a pilot although
8 "obliged to do so, as well as sanctions
9 "placed on any non-licensed person pilot-
10 "ing a vessel, ought be increased."

11 A. Increased and I even think that
12 a prison sentence should be included in here as is the
13 case in many countries because if somebody violates
14 the law and if he has to pay only a penalty, or a fine
15 of \$50 or \$100, well it won't be serious and he will
16 be ready to pay another \$50 or \$100 if this violation
17 earns the violator \$150 or \$2,000. Whilst, if there
18 is a prison sentence imposed, I believe then that the
19 law will be more enforced.

20 MR. JACQUES: Would you favour a prison
21 sentence for the pilots who breach the disciplinary
22 measures?

23 THE WITNESS: This exists in certain
24 countries.

25 MR. JACQUES: Would you favour such a
26 procedure?

27 THE WITNESS: Well everything is dependent
28 upon the type of breach. I think that if it is such
29 a serious breach where life is put at stake, well I
30 think that everything is dependent upon the offence.



1 French

2 Q. Paragraph 593, recommendation No.
3 30: Procedure in cases of violation of the by-laws
4 by the pilots and maritime accidents.

5 "A specific procedure of inquiry
6 "should be established to investigate
7 "violations of the by-laws by the pilots.
8 "As for inquiries following shipping
9 "accidents, the present by-laws must
10 "be substantially amended to assure
11 "protection of the rights of the interested
12 "parties in conformity with the contemporary
13 "concepts of justice."

14 I notice that you state that you perhaps
15 would make additional comments later on regarding
16 maritime inquiries. There would be, perhaps, a point
17 of clarification I would like to bring forth. In
18 paragraph 596 you refer to Article 142 of the Act
19 according to which the Minister can, if he believes
C3 20 that justice requires it, re-issue and return the
21 Canadian certificate of a captain or of a mate which
22 had been revoked or suspended; it is surprising that
23 we find no analogous provision for pilots. Perhaps
24 it would be a good idea to mention Article 336 of the
25 Canada Shipping Act where it is provided that the
26 Minister be re-issuing the pilot certificates or
27 licences.

28 -----
29
30



C/PB/RPS 1

French

The text is not very clear, but it seems to be only in the case where a pilot has not been on duty for two years and has lost his licence.

MR. LANGLOIS: Regarding this certificate, your lordship, I must say all the requests that have been made to the Pilotage Authority in order to reinforce licences that have been suspended or revoked following inquiries have been refused by the D.O.T. which was using this Article 142 and I must say that this Article 142 doesn't mention the pilots, but neither does it mention the mechanics who have lost their certificates.

THE CHAIRMAN: When a certificate is lost isn't it due to the fact there is some kind of confusion between cancellation and suspension. These two are to my mind two different things.

MR. LALONDE: Article 336 provides that there is a cancellation of the licence when this licence is revoked for two years automatically.

THE CHAIRMAN: One who has lost his licence must start from scratch in order to retain it otherwise he is suspended.

MR. LALONDE: In Article 142 the officer's licence may also be completely cancelled and completely lost to the holder and the law provides that it may be re-issued later on.

THE CHAIRMAN: Well it seems then that
this ruling is not a final one.

MR. JACQUES: This Article 142 applies to



1 French

2 mates and engineers. In the case of a suspended
3 certificate or a cancelled one according to the Canada
4 Shipping Act the period of suspension time may be
5 shortened or a certificate of a lower grade may be issued,
6 lower than the holder had previously. Naturally this
7 is a arbitrary situation. Somebody may have had a
8 master's ocean- going certificiate and his certificate
9 may be suspended or cancelled and then later on he
10 could be issued a certificate for a coastal mate.

11 MR. LALONDE: Q. Do you have anything
12 to add regarding this recommendation 31 Vessels Lightly
13 Loaded:

14 "Vessels with small cargoes should
15 "be required to carry sufficient ballast
16 "to guarantee their safe handling on the
17 "St. Lawrence River."

18 A. I think we should say the St.
19 Lawrence River and the Seaway. At certain times pilots
20 have made requests to the master so that they would put
21 water in the tanks or compartments in order to have
22 greater draught, to have more hold with the wheel in
23 order to have more facility to handle the vessel. A
24 vessel, for example, which leaves Quebec and goes to
25 Montreal in order to get loaded is not interested in
26 filling its tanks and emptying them at Montreal, so
27 pilots at certain times have trouble and obtain refusals
28 from masters of vessels and so this recommendation,
29 we ask that the pilots be empowered with certain
30 authority in order to command it.



1 French

2 We have noticed in Toronto there is
3 a provision which is similar to that and which may
4 force masters of vessels to take what is called ballast.

5 Q. Do you know why this Notice to
6 Mariners applies only to the Toronto Harbour?

7 A. No, I don't know.

8 THE CHAIRMAN: So you now advise
9 masters, and it would be more than simply advice, it
10 would be an order, this would delegate power to the
11 pilot so that he might order the master.

12 MR. LALONDE: In the Toronto Harbour
13 all vessels in transit must have ballast in order to
14 assure a minimum draught of X number of feet.

15 THE CHAIRMAN: At the present time if
16 the pilot finds it dangerous to sail without a load
17 can he not say to the master it is dangerous and I don't
18 want to run the risk?

19 MR. LALONDE: Your lordship, in such a
20 case, you have experienced yourself, the pilotage
21 authorities or persons entitled to assess fines will
22 consider, the local supervisor for example, is an
23 arbitrary refusal and they will say they did it a month
24 ago, a similar vessel was brought up by a pilot and last
25 year you did the same thing. Naturally this is
26 always giving rise to an issue. I think the situation
27 would be better to have a rule that will not give rise
28 to confusion. Mr. Langlois has an example.

29 MR. LANGLOIS: Regarding the pilotage
30 of certain vessels in the Saguenay, in the dredged canal



1 French

2 leading to Chicoutimi, well, pilots have advised certain
3 shipping companies that it was very dangerous to take
4 a vessel upstream from Chicoutimi and they referred
5 the case to the Pilotage Authority who has refused to
6 use its authority to interfere.

7 THE CHAIRMAN: It is not that I am
8 against this proposal but I just wanted to find out
9 if it could work on agreement with the pilots.

10 MR. LALONDE: This might be a rule
11 similar to the one existing in the Seaway imposing
12 an obligation on certain vessels. They also have a
13 rule governing the accommodation ladders and so on.
14 It is stated that in the Toronto Harbour, the Notice
15 to Mariners imposes a minimum draught of 16 to 17 feet.

16 THE CHAIRMAN: In other words with
17 this included in the rule it would mean if the
18 master doesn't follow that law that his vessel will
19 not be seaworthy.

20 MR. LANGLOIS: It could be compared with
21 the demands of a certain minimum for people who do
22 the transitting from one side of the lake to the other,
23 like under-keel clearances for example.

24 MR. LALONDE: I said 17 feet and it
25 says 15 feet in the book.

26 THE CHAIRMAN: We will have a short
27 recess.

28 ----A SHORT RECESS.
29
30



1 ---FOLLOWING THE SHORT RECESS:

2
3 MR. LALONDE: Q. Mr. Bedard, we are down
4 as far as recommendation 32, paragraph 601. It reads
5 as follows:

6 "All ships should have radio-
7 "telephone equipment containing the
8 "appropriate frequencies in the wheel-
9 "house."

10 In paragraph 602 you say that there are
11 some ships which have this equipment on board and other
12 ships which have such equipment but don't have the
13 appropriate frequencies?

14 A. Yes, in the Seaway ships are
15 required to have radio-telephones in the wheelhouse.
16 Very often it does exist that the radio-telephone is
17 rather far away from the wheelhouse and sometimes it
18 is located on another bridge and therefore for calling
19 between ships it makes it rather difficult. When
20 we sail in fog and we see a ship on the radar, an
21 echo in front of us we call the ship, we indicate
22 our position, for instance three-quarter miles at the
23 port or stern or two-thirds of the channel or so forth.

24 At that time from the safety point of
25 view it is much easier, much less dangerous to cross
26 the channel. Therefore, I think radio equipment should
27 always be in the wheelhouse and we would like to have
28 it located on ships of the industry with proper
29 frequencies. There are cases where the radio-telephone
30 is there but there are no frequencies which are currently



1 French
2 in use on the St. Lawrence and therefore it is just
3 a matter of changing the crystals in the telephone
4 to have the radio frequency. With this recommendation
5 we could also ask for improvement in the ground
6 stations. We have for example in Quebec the VCC Quebec
7 and other broadcasting where it is located in a place
8 where it can't be heard or they can't hear us. They
9 are getting blind spots.

10 THE CHAIRMAN: This is why you mentioned
11 the radio stations all along the Suez Canal?

12 THE WITNESS: That is correct.

13 THE CHAIRMAN: Is that a very similar
14 system to the United States on rivers?

15 THE WITNESS: I don't know. It is possible,
16 but I don't know.

17 THE CHAIRMAN: I think they have a very
18 well-organized radio-telephone system in the United
19 States with the radar system all along the coast.

English 20 COMMISSIONER SMITH: Captain, in the
21 studies you made in Europe and elsewhere did you find
22 the telecommunications systems pretty well up to high
23 standard?

24 THE WITNESS: No, I wouldn't say we found
25 it to be high standard pretty well everywhere. It isn't
26 a much higher standard than here in Canada. They have
27 stations in certain countries which are so strong and
28 can be reached easily and there is no trouble with the
29 station. When I say very efficient or high standard
30 I refer to the Suez Canal, for instance. That was the most



1 English

2 advanced of all, and also they were in contact with the
3 shore control station.

4 COMMISSIONER SMITH: Thank you.

French 5 (THROUGH THE INTERPRETER.)

6 MR. LALONDE: Q. Recommendation 33,
7 paragraph 603:

8 "An automatic luminous signal should
9 "be attached to the whistle or the
10 "siren on the vessels."

D2 11 A. This is better on the lake
12 vessels when we want to signal with the light which
13 has been lit, and it is very useful for pilots and
14 masters and the light in harbours where there is one,
15 and if the wind is against you you would hear a
16 whistling of the ships and you have to have a close
17 watch to see whether the signal has been made by a
18 ship or not, and sometimes the signal has been made
19 but where you can't hear, whereas with the visual
20 signal, luminous signal with the sound signal, safety
21 would be increased considerably.

22 MR. LANGLOIS: If we have two ships near
23 to another you don't know which one has blown its
24 whistle unless there is a luminous signal?

25 THE WITNESS: That is right. Formerly
26 we had signals with vapour and in the daytime it was
27 easy to identify because one could see the steam but
28 now the majority of ships have air signal.

29 THE CHAIRMAN: Of course you have to
30 look in the direction of the ship because the sound comes



1 French

2 after the light. If you heard the sound you wouldn't
3 know where the light would be.

4 MR. LANGLOIS: This only exists in the
5 Great Lakes anyway.

6 MR. LALONDE: Q. Recommendation No. 34,
7 paragraph 605.

8 MR. JACQUES: Before we go to the next
9 recommendation, this question of luminous signals coupled
10 with the sounding of the vessels is being studied at
11 the present time between the American authorities
12 and the Canadian authorities to review the regulations
13 concerning the Upper Lakes and the United States
14 rivers.

15 THE CHAIRMAN: I think the sailing rules
16 are being studied about the Great Lakes and will be
17 reviewed in the end. The idea is how it is possible
18 to have that conform with international rules.

19 MR. JACQUES: With a few modifications
20 concerning the luminous signals and the lights which
21 ships must bear, Great Lake ships, indicating its
22 intention to go starboard or port, in that case there
23 might be a few modifications, but in the international
24 regulations they don't indicate the intention, but the
25 actual fact, that is what you are doing.

26 MR. LALONDE: Recommendation No. 34,
27 paragraph 605, page 200: Wheelhouse Instruments:

28 "The rudder angle indicator and
29 "the R.P.M. indicator from the propellor
30 "must be clearly placed and well in view



1 French

2 "so that no person can shield it from
3 "the pilot or the helmsman".

4 Any comments?

5 A. This is what happens: on certain
6 boats these instruments don't exist. On other ships
7 they are often located out of sight or you have to
8 turn around to look at them. On other ships the
9 indicators are located very low and it may happen by
10 people walking back and forth they block these indicators
11 and particularly the angle of the indicator is to check
12 whether the helmsman is replying exactly to the order
13 which has been given. Some are very well-equipped with
14 one indicator inside the wheelhouse and another one
15 outside the wheelhouse.

16 For the Seaway pilots, if they are on
17 the bridge and if they are giving an order they can
18 turn around and see the indicator which is located
19 outside and can see if the orders are being followed.

20 THE CHAIRMAN: Are the new boats improved
21 from that point of view? Is it only the old ships
22 that are not satisfactory?

23 A. No, even with new ships on several
24 occasions we have noted that the indicators weren't
25 well-located.

26 THE CHAIRMAN: Are there any shipowners
27 who equip their boats with the minimum amount of
28 equipment?

29 THE WITNESS: Oh, yes, certainly.

30 MR. LALONDE: Q. What would you call a



1 French

2 well-located indicator? Where would you like to have
3 the indicator located?

4 A. Well, the well-located indicator
5 is the indicator located in the highest part of the
6 wheelhouse, that is near the ceiling and at an angle
7 which faces the centre of the ship. When it is inside,
8 for our colleagues in the Seaway, they would like to
9 have one on each side outside on the bridge.

10 Q. Because they very often have to
11 stay outside when they are in the channel and going
12 through the locks.

13 MR. LANGLOIS: In your recommendation
14 you speak about R.P.M. indicators. Are we to understand
15 these are indicators which indicate whether the boat
16 is going astern or going frontwards?

17 THE WITNESS: Yes, and we therefore see
18 whether the order is being well executed.

19 THE CHAIRMAN: You ask them to be well
20 lit?

21 THE WITNESS: Yes, in the nighttime and
22 daytime we want to find out where we are and we must have
23 a light the intensity of which can be adjusted.

24 MR. LALONDE: Q. Would you like to add
25 to this the wrong way allowance system or the wrong way
26 indicators in the case an order is given to go forward
27 and by accident the boat will start going astern?

28 A. Well, that would certainly be
29 very useful and certainly an element of safety.

30 THE CHAIRMAN: That does exist on certain



1 French

2 ships.

3 MR. LALONDE: Q. Recommendation No. 35,
4 paragraph 606:

5 "Appropriate measures must be taken
6 "so that derricks are not in all cases
7 "so placed that they do not obstruct the
8 "view of the pilot."

9 You refer to the Notice to Mariners pub-
10 lished by the D.O.T. to that effect.

11 A. Today you have vessels which
12 are built in such a fashion that the wheelhouse is
13 completely astern of the vessel and sometimes may have
14 eight, ten and sometimes twelve derricks and when
15 the vessels come into the harbour then everything is
16 set in order to load as soon as possible and at that
17 time these types of vessels with derricks are difficult.

18 THE CHAIRMAN: And the masts?

19 THE WITNESS: It isn't only.
20 It is the sampson post one next to the other, and the
21 view of the pilot is entirely obstructed. Most masters
22 co-operate a great deal about it and even request the
23 pilot's authorization to hoist them or not, however I
24 think there should be a proviso that should exist in order
25 to leave everything to the discretion of the pilot.

26 THE CHAIRMAN: In this Notice to Mariners
27 what does it mention to the navigators?

28 THE WITNESS: Well, I read it through,
29 your lordship, but I don't recall exactly its nature.

30 MR. LALONDE: I could file this document



1 French

2 tomorrow morning. Insofar as I remember, your lordship,
3 this applies only to the St. Lawrence Seaway. It is
4 a rule that applies to the St. Lawrence Seaway.

5 THE CHAIRMAN: It won't be necessary for
6 you to file it. We will ask the Commission counsel to
7 file it and give it Exhibit No. 896.

8 MR. BRISSET: We could also file the
9 Notice to Mariners No. 163 regarding Toronto Harbour.

10 THE CHAIRMAN: So Exhibit 896 will be
11 for the Notice to Mariners No. 163 and Exhibit No. 897
12 will be Notice to Mariners No. 41. I will ask counsel
13 for the Commission to see that these documents are
14 filed.

15
16 ---EXHIBIT NO. 896: Notice to Mariners No. 163.

17
18 ---EXHIBIT NO. 897: Notice to Mariners No. 41.

English 19
20 COMMISSIONER SMITH: Captain, while we
21 are on this recommendation I was talking to a navigator
22 recently in another country and he told me he enjoyed
23 navigating these long tankers and lake carriers. He
24 said that he didn't have any extra amount of difficulty
25 in navigating those ships than others. Well, that
26 statement seemed to be ununderstandable to me. I presume
27 there would be a double system of pilotage on these
28 long lakers and tankers with walkie-talkie and other
29 means of communication between the two pilots to enable
30 ease of navigation.



1 English

2 Do you have any knowledge about those
3 types of ships?

4 THE WITNESS: Yes. In some countries
5 like Italy on many occasions they have two pilots on
6 board such a vessel, on board large vessels. To say
7 that ships with everything aft offer no additional
8 hazards, I wouldn't agree with that. This is part of
9 the job. We have to be careful. There is no doubt about
10 that.

11 If you have a ship that is 600, 650-feet
12 in front of you and you are right on the stern it is
13 harder to judge distance. It requires additional
14 attention. It is an important job on the
15 part of the pilot.

16 COMMISSIONER SMITH: Oh, yes.

17 THE CHAIRMAN: We have to foresee also
18 this because there are being built bigger and bigger
19 ships, even ones with hinges. We have seen figures
20 everywhere that ships are being built bigger and bigger.

French 21 (THROUGH THE INTERPRETER.)

22 MR. LALONDE: Q. Regarding this
23 matter of derricks, does the fact that derricks have a
24 hoisted position add to the difficulties, not only from
25 the point of view of the function but as regards the
26 effects of the wind on the vessel?

27 A. Yes, this is possible. Something
28 else comes to my mind, it is that when the derricks
29 are in a hoisted position they may interfere with the
D3 30 radar and make interference in the pilotage districts when



1 French

2 we want to use the d.f., that is the directional finder.

3 The echos received from the ground station are
4 completely changed by the derricks in a hoisted position.
5 Naturally on the St. Lawrence they doesn't matter but
6 in the pilotage of coastal trade, well, the derricks
7 make an interference in the radar.

8 MR. LANGLOIS: And your magnetic
9 compasses are adjusted with the derricks in a down
10 position.

11 MR. LALONDE: Paragraph 608, recommendation
12 36:

13 "The ships must always place an
14 "accommodation ladder at the disposal of
15 "the pilots, except in the locks." This
16 "should be so situated as not to endanger
17 "the lives of the pilots."

18 You refer to the Notice to Mariners No. 44
19 of 1961.

20 THE CHAIRMAN: Exhibit 898.

21
22 ---EXHIBIT NO. 898: Notice to Mariners No. 44,
23 1961.

24 THE WITNESS: This Notice to Mariners
25 has been sent along with a text stating that these
26 accommodation ladders should be put into the practice
27 along certain pilotage stations.

28 MR. JACQUES: I think this Notice to
29 Mariners has already been filed, your lordship.

30 THE CHAIRMAN: That is my impression but I



1 French

2 am not quite sure about it.

3 MR. JACQUES: There is no objection
4 whatsoever. We could file another copy as Exhibit 898.

5 THE WITNESS: With the exception of the
6 locks accommodation ladders should be used whenever there
7 is a changeover of pilots. There is an advantage, a
8 very simple one if the vessel is in ballast. A vessel
9 has no ballast, then the vessel has not a great deal
10 of draught.

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E/MR/RPS

1 French

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3 Consequently, the accommodation ladder
4 does not have the right length and, represents a certain
5 danger to the pilot. Part of this recommendation provides
6 that these accommodation ladders should be well-located.
7 Recently in naval construction there was a certain trend,
8 especially with all the vessels with the equipment
9 astern, there was a tendency to put the accommodation
10 ladder in the back of the vessel as well so that as
11 the stern part of the vessel goes towards the centre,
12 well it seems that the accommodation ladder is then
13 suspended outside the vessel and at times over a distance
14 of seven or eight feet and, consequently, the pilot boat
15 cannot go near because it will be too near the propellers
16 and even if the vessel was fully stopped, the pilot
17 has a great deal of trouble going on board because then
18 the ladder, the accommodation ladder seems to oscillate
19 from one side to the other; goes to and fro.

20 Q. On this point of putting the
21 accommodation ladder in the stern part of the vessel
22 near the propellers, is there a great tendency?

23 A. Yes, and we even saw that on lakers.
24 This was quite surprising because lakers have a tendency
25 to place the accommodation ladder in the aft part of the
26 vessel and I think that there is a recommendation to the
27 effect advising, or notifying the ship companies they
28 should be extremely useful.

29 Actually, if the accommodation ladder
30 was in the fore part of the vessel, then it would be
an improvement because the highest part is in the front,



1 French

2 whilst the lowest part of the vessel is in the stern
3 part. Then there would be an improvement if the
4 accommodation ladder was placed rather in the fore part.

5 Q. Now did you have many complaints
6 about that?

7 A. Yes, many complaints recently.

8 Q. Did the crew of pilot boats make
9 any comments about that also?

10 A. Yes. Naturally when the vessel
11 has an accommodation ladder placed in the stern part,
12 well the pilot boats don't come near.

13 MR. LANGLOIS: Mr. Bedard, don't you
14 think it would be advantageous to have an accommodation
15 ladder more to the stern of the vessel?

16 THE WITNESS: Yes, there would be an
17 advantage.

18 MR. LANGLOIS: Would there be a disadvantage?

19 THE WITNESS: No, I don't see any
20 disadvantage to that because the pilot boat comes from
21 astern, naturally the pilot would have to be quite a
22 swift pilot, quite an agile, nimble pilot. Of course,
23 there is something more modern: in certain boats there
24 are elevators, you see, for lifting up the pilots.

25 Q. Recommendation No. 37, paragraph
26 610, page 224: Pilot Cabin:

27 "A pilot cabin must always be

28 "placed at the disposal of the pilot in

29 "cases of delays, anchoring, et cetera.

30 "All ships in default thereof must pay a



1 French

2 "compensatory indemnity to the pilot."

3 Paragraph 611 reports on the matter.

4 A. This exists in practice in many
5 places where an indemnity is paid if this service is
6 not rendered. It is a penalty rather than an indemnity.
7 I don't think it improves the state of the pilot if he
8 has to remain standing up for 24 hours sometimes when
9 the boat is at anchor.

10 Q Does it happen that there are ships
11 on which no cabin is put at your disposal?

12 A Yes, it does happen. It happens
13 for many reasons. One of the reasons is that the cabin
14 is there but it is being occupied by a passenger. It
15 exists on board the ship, it is registered as being the
16 pilot cabin but there is a passenger.

17 Q Does that happen on one particular
18 type of ship or is it a general rule?

19 A No, it cannot be sort of identified
20 to one particular type of ship.

21 Q. Recommendation No. 38, paragraph 612:
22 Maritime Police, page 224:

23 "An adequate system of maritime
24 "police must be established to supervise
25 "the application of the various by-laws
26 "affecting shipping."

27 A. This could improve, to a great
28 extent one of the existing problems like pollution of
29 waters. A pilot, according to the law, has to report
30 about a violation of the by-laws. If I am a pilot on board



1 French

2 a ship, I have to report on it. That is, to witness
3 against the ship itself. Therefore, a rather difficult
4 situation arises.

5 On the other hand, if there is maritime
6 police which exist, we could always give the police
7 representative a telephone call and ask them to come
8 and check by themselves. For instance, when oil is
9 discharged overboard, it is up to us to notice that sort
10 of thing and complaints have been made, but it was
11 very difficult to sort of oppose ourselves to the masters
12 or the members of the crew.

13 There is another function which could be
14 rendered by the maritime police that would be the
15 protection of small craft. For instance, small motor-
16 boats, small yachts which are not aware of the dangers
17 which they run when they overtake or when they cross over
18 the bigger ships.

19 THE CHAIRMAN: It is a bit like the
20 Coastguard system in the United States?

21 THE WITNESS: Yes.

22 THE CHAIRMAN: Also in the St. Lawrence,
23 in the American part of the Seaway.

nglish 24 COMMISSIONER SMITH: Excuse me your
25 lordship. Captain I think the Lucien Canon Report of
26 many years ago made some strong recommendations with
27 regard to the small craft and garbage disposal and oil,
28 pollution of the River and other infringements against
29 the law and I am wondering if since then there has
30 been an improvement in the situation over what it was many



1 French

2 years ago? Is it deteriorating or is it any better?

3 THE WITNESS: I have been sailing on
4 the River for approximately 12 years and there has been
5 no improvement, as far as that goes. I have seen no
6 change in the application of this, and of course the
7 ships being more numerous, and small craft being more
8 numerous, the policing is more needed today than it
9 was even then.

10 COMMISSIONER SMITH: Thank you Captain.

French 11 Q. Recommendation No. 39, paragraph
12 614, Joint Committee:

13 "A Joint Committee composed of
14 "representatives of the pilots and
15 "shipowners should be established to
16 "assist the Government in its implementation
17 "of the recommendations of the Royal
18 "Commission on Maritime Pilotage."

19 We have said quite a lot about it already.
20 Have you any comments to add?

21 A. No.

22 Q. Then you have a number of recommendations
23 which are called specific recommendations but which the
24 pilots of various districts have witnessed through the
25 medium of their President, in certain cases. However,
26 foreign experience is mentioned and this question has
27 been left open for your witnessing. I would like you to
28 take these specific recommendations please and we shall
29 examine them. I do not intend to examine each and every
30 one of them. You will interrupt me if I miss one about which



1 French

2 you would have to say something.

3 In the case of the Quebec District, there
4 is recommendation No. 4 concerning the docking at Quebec
5 and the foreign experience is referred to and under
6 paragraph 622, this recommendation reads as follows:

7 "That there be a change of pilot
8 "in order to accomplish the docking in
9 "the Port of Quebec, of all ships mounting
10 "the St. Lawrence River and going to
11 "a wharf in this port, and that the
12 "appropriate pilotage dues be charged
13 "in this regard."

14 And you mention here the experience of
15 various foreign ports such as Southampton, Rotterdam,
16 Antwerp, Hamburg, Stockholm, New York and the basins
17 in the interior in the Ports of London and Liverpool.

18 A. To understand the situation clearly,
19 you must know that the distance from these places is at
20 least 123 miles; in some cases 160 miles if the ship
21 comes from the Saguenay. There is the fatigue of the
22 pilot. This is an element which must be considered.
23 To go upstream with a ship with very good temperature
24 conditions, very bad temperature. It varies. It depends
25 if it is daytime or nighttime. Therefore, at the end
26 the pilot is tired and he has to do very delicate
27 manoeuvring in the Harbour of Quebec. He has to know
28 very well the wharves, the streams, the tides, the winds.
29 Docking can be done in different ways, many different
30 ways according to the tides.



1 French

2 What happens occasionally is that one
3 complains because the boat does not dock immediately
4 when it reaches the harbour. I know through personal
5 experience that if I arrive on a boat on which I have
6 left Escoumains at eight a.m., I reach Quebec at four
7 p.m. and if the conditions of tide are good, I will not
8 hesitate about the docking. If I have left Escoumains
9 at eight p.m. and if I arrive early in the morning, and
10 if the tide is a difficult one, at nighttime I shall
11 not make an attempt after a sleepless night to dock the
12 dock and I wait, or I will ask for a colleague to come
13 and take over from me.

14 At that time, of course, there is a delay
15 for the ship, six hours or eight hours for a pilot who
16 would come and take over from a pilot who has just
17 arrived from remote pilotage stations. There is a savings
18 of time and money for the boat.

19 Furthermore, I am sure that in certain
20 cases one could save a certain amount of time with the
21 help in tugging because then you have someone who is
22 completely fresh and fit and a man, who is fit and fresh
23 can do without the tugboats. Whereas, one who is
24 tired and has had a long night's work, cannot do without
E2 25 them. I don't remember any place where we have been
26 where we have seen such a distance where the pilot has
27 to make the manoeuvre of docking to the quay.

28 Generally it is another pilot who comes to do the docking.

29 THE CHAIRMAN: Can we say it is for the
30 same reasoning which incited you to make the recommendation



1 French
2 for the ships upstream and not for those who come
3 downstream from Montreal?

4 THE WITNESS: This recommendation comes
5 from the Quebec District and the Montreal District has
6 not made such a recommendation. I would like to say this
7 recommendation applies only to the ships coming from
8 the Upper St. Lawrence and docking. It does not mean
9 that it applies to the ships leaving Quebec nor to the
10 ships coming from Montreal. In the Lower St. Lawrence
11 they decide when they left they were rested enough so
12 they could do it themselves.

13 Q. In the harbours which are mentioned
14 here, do you know if there is a different charge, or a
15 special charge levied on the boat in docking?

16 A Yes. However, in Hamburg the
17 charge is included in the docking and wharfage expenses.
18 In New York it is included in the tugging expense.

English 19 COMMISSIONER SMITH: Captain, going into
20 the fundamentals of the recommendation, I do not see
21 -- it may be here, but I do not see it at the moment --
22 the safety of the ship is not emphasized. Now is it
23 a fair statement to say this will not only relieve a
24 pilot who may have been piloting a ship for 160 miles,
25 if he comes from the Saguenay, but it is also in the
26 interests of the safety of the ship as well?

27 THE WITNESS: Yes sir. We can say that
28 the ship is certainly not incurring a risk of getting
29 a big dint alongside, if you like, by a man who is
30 tired. If you have a fresh man, it is safer for him to



1 English

2 dock the ship.

3 COMMISSIONER SMITH: Thank you.

French 4 Q. I now turn to recommendation coming
5 from other groups. For instance, Montreal and Quebec
6 District that ask that no more exemptions be granted
7 and we will turn back to the question later on.

8 A. I would like to add something about
9 exemptions, but I would rather wait until later.

10 Q. Now we turn to recommendation No. 1
11 from the Corporation of the St. Lawrence Pilots, paragraph
12 643, recommendation of the Corporation of the St. Lawrence
13 River and Seaway Pilots. Recommendation No. 1:

14 "That the St. Lawrence Seaway
15 "furnish linesmen along the approach
16 "walls."

17 Here again in paragraph 644 you mention
18 the case of the Kiel Canal, that of Manchester and one
19 which leads from Ijmuiden to Amsterdam. Would you like
20 to say a few words about this? What is the situation
21 in those canals? Would you like to comment about this
22 recommendation?

23 A. It is correct in the Kiel Canal
24 we saw yesterday where there was a pilot which did only
25 the crossing of the locks. If the pilot has to tie up
26 the boat in the lock, at the time the linesmen are
27 furnished within the lock. There is also a system of
28 wheelmen. In Manchester it is identical. You have
29 linesmen along the approach walls and linesmen in the
30 locks and in Manchester it is established that the biggest



1 French

2 ships must have a tugboat in the front and a tugboat
3 at the back.

4 Q. Would you indicate on the chart of
5 the Manchester Canal, which will be Exhibit 899 ---

6
7 ---EXHIBIT NO. 899:

Chart of the Manchester
Canal.

8
9 Q. Would you indicate the place where
10 Manchester pilots embark?

11 A. They embark at the Eastham Lock.

12 Q. Indicated by the letter "A". This is
13 marked in red.

14 A. The Manchester Canal is a dug-out
15 canal and it requires the utmost attention from the pilots.
16 The pilots are most efficient and do a marvellous job
17 there. In order to help them to do it, it is provided
18 that they have linesmen to dock those ships and to
19 reach the Eastham approach wall, when they go through the
20 lock they have a tugboat astern and a tugboat in front,
21 which go from the entrance to the canal to Manchester.
22 These tugboats help the ships turn in the curves, which
23 are rather sharp curves in the canal; very wide one.

24 Q. Are these tugboats attached to the
25 ship all along the trip?

26 A. Yes, they are. One in front and
27 one in the back. The pilot is also assisted by helmsmen.
28 The helmsman usually receives money. This is about up
29 to two-thirds of what the pilot receives and it is all
30 put in a common pool.



1 French

2 Q. Is it the same pool as that of the
3 pilots?

4 A. No. It is separated from that of
5 the pilots. It is a distinct one for the pilots and one
6 for the helmsmen.

7 If you compare it with the Seaway, on the
8 Seaway the pilot takes the vessel outside and he brings
9 the vessel to the approach wall and near enough to the
10 wharf to send a man on the ground and later on go into
11 the lockage without any help from tugboats or wheelmen.
12 I think it is quite extraordinary to see how the pilots
13 of the Seaway can do that work without any assistance
14 whatsoever. Naturally, a number of them can do so.

15 However, the question of linesmen has
16 been under study for a good number of years and not only
17 is there assistance to the pilot, but on the question of
18 linesmen I think there is also more safety involved
19 and a greater swiftness in the operation of the docking
20 of these vessels along the approach wall, especially in
21 the case where there is a strong wind.

22 Q. While we are on the Manchester Canal,
23 does the same pilot cover the course from Eastham to
24 Manchester?

25 A. The pilot is now changed at Latchford,
26 which is not halfway through the canal but which repres-
27 ents half the time that the course will involve.

28 Q. I notice that there is a distance
29 of 35 miles indicated on Exhibit 882. Is that for that
30 whole course?



1 French

2 A. Yes, that is correct. I will
3 indicate Latchford with the letter "B" on Exhibit 889.

4 Q. Now are there linesmen at all the
5 locks in the Manchester Canal or is there only one
6 lock?

7 A. No, there are many locks and at
8 each lock where there is an approach wall, there are
9 linesmen and at the present time there are linesmen in
10 the locks themselves.

English 11 COMMISSIONER SMITH: If your lordship
12 pleases, this question was raised at a previous hearing
13 and I am not sure whether there was some estimate of
14 the cost to shipping for providing these linesmen or
15 not, but, in any event, I think that it might be helpful
16 to the Commission if we had some idea.

17 MR. LALONDE: My lord, such an estimate
18 was made and given to the Commission by Mr. Burnside. It
19 is over \$1,000,000.

20 MR. BRISSET: \$1,200,000.

21 COMMISSIONER SMITH: That is already in
22 the evidence.

23 MR. LALONDE: These were not all salaries.
24 I think there were some minor investments for shelters,
25 and things like that.

French 26 Q. You also referred in your previous
27 evidence to the Kiel Canal and it is not necessary to
28 get back to that matter. You also have the canal leading
29 from Ijmuiden to Amsterdam. Could you please refer to
30 the chart you have on hand at the present time entitled



1 French

2 Goree to Texel and give it the exhibit number 900.

3
4 ---EXHIBIT NO. 900:

Chart entitled Goree to
Texel.

5
6 Q. Would you indicate on that chart
7 with the letter "A" the location referred to here as
8 Ijmuiden and could you please make comments regarding
9 the operation of that particular location?

10 A. At this location linesemen are
11 available and are used by the vessels either at the
12 approach wall or in the lock itself of Ijmuiden. I
13 might also add that the wheelsman service is provided
14 and from Ijmuiden to the sea this service of wheelsman
15 is done according to the tonnage of the vessel. The
16 bigger the vessel the greater the number of wheelsmen
17 and in certain vessels there are up to four wheelsmen
18 for that transit. The vessels are not any lengthier,
19 although it may be done because the ship has a high
20 tonnage.

21 Q. What is the distance?

22 A. I don't recall.

23 Q. I think it is more than you gave,
24 five to six miles from Amsterdam to Ijmuiden and from
25 Amsterdam to the sea. Do you mean from Amsterdam to
26 Ijmuiden? I think so. I think it is the only possible
27 exit.

28 Q. This morning I mentioned five to
29 eighteen miles. If I said five to six, I made a mistake.
30 It is five to eighteen miles.



1 French

2 A. And to Rotterdam would be sixteen
3 miles?

4 A. Yes, maximum 16 miles.

5 THE CHAIRMAN: What do these four wheels-
6 men do on board the vessel?

7 THE WITNESS: Well they replace one
8 another.

9 THE CHAIRMAN: Every five minutes? How
10 long does it take to cover that distance?

11 THE WITNESS: I will have to check that
12 your lordship. It is not a very lengthy trip but there
13 are certain periods which might be quite protracted and
14 at times the vessel will have to reduce speed in order
15 to reach the destination at a given time and meet a
16 vessel at a given location.

17 THE CHAIRMAN: Why did they have four
18 wheelmen in olden times?

19 THE WITNESS: It seems that the reason
20 is an historical one.

21 Q. Mr. Bedard you might check in your
22 notes in order/^{to} find out if you would not be able to
23 give us some explanation about it. Is there more than
24 one lock from IJmuiden to Amsterdam? At any rate, are
25 there linesemen at every lock, whether there is only
26 one or there are 12?

27 A. Yes.

28 Q. Your recommendation No. 2 regarding
29 this Corporation as well as that for the pilots for the
30 Upper St. Lawrence refers to wheelmen and at paragraph

E3



1 French

2 648 on page 234 of the English text you refer to the
3 question of compulsory wheelmen in the Kiel Canal as
4 well as in the canal which leads from IJmuiden?

5 A. That is correct.

6 Q. And you say that there is an
7 optional wheelman system existing in the Manchester
8 Canal and the Port of Antwerp?

9 A. That is correct.

10 Q. In the case of the Manchester Canal
11 did you have the opportunity of obtaining some
12 information regarding the ratio of a vessel having
13 wheelmen under this optional system?

14 A. Yes.

15

16 -----

17

18

19

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21

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/PB/RPS 1 French

2
3 There are forty-five wheelmen for the
4 Manchester Canal. If I recall correctly there are
5 75 pilots in the same canal, the Manchester Canal region.
6 After checking that is right. Then you indicate the
7 ratio.

8 Q. Supposing that the wheelmen under-
9 took the same type of work as that of the pilots?

10 A. Yes.

11 Q. On page 73 of your notes you have
12 mentioned previously that the wheelmen could be
13 used as apprentices or undertaking their apprenticeship
14 to become pilots. Now, is that procedure still going
15 on or is there a change, an alteration or a modification
16 in that system?

17 A. That is correct. That was related
18 to us by Captain Gibson.

19 Q. Who is Captain Gibson?

20 A. Captain Gibson was the pilotage
21 supervisor at Eastham and he stated that this process
22 is becoming more or less an institution and Mr. Gibson
23 recruits wheelmen, but at times they have no hope of
24 becoming pilots, and the applicants are aware of that
25 situation. We must remember that the wheelmen receive
26 two-thirds the income of the active pilot.

27 Q. Now, in Antwerp Harbour you
28 referred to the Brabo pilots within the harbour?

29 A. Yes.

30 Q. In that particular location did
you receive any information regarding the use of the wheelmen?



1 French

2 A Yes, most of the vessels use
3 wheelmen.

4 MR. LALONDE: Your lordship, I am going
5 to ask for an earlier adjournment.

6 THE CHAIRMAN: We will stand over until
7 2:30 this afternoon.

8

9 ---LUNCHEON ADJOURNMENT.

10

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A/MR/rps

1 French

2 ---ON RESUMING AT 2:30 P.M.

3

4 ANDRE BEDARD, Recalled

5 CONTINUATION OF RE-DIRECT EXAMINATION BY MR. LALONDE:

6 Q. At the end of this morning's session,
7 Mr. Bedard, we were examining recommendation No. 2 from
8 the pilots of the Cornwall, Kingston District aiming
9 at the establishment of the wheelsman system o all
10 vessels of more than 3,000 net tons in the Seaway.
11 Would you have anything else to add regarding this
12 recommendation?

13 A. Perhaps there is a slight elucidation
14 that
15 /will be needed. I was asked if there was an historical
16 reason for which there were four wheelsmen and I didn't
17 find anybody here. I have specifications of how the
18 wheelsmen are hired. These wheelsmen are mariners who
19 join the vessel at its departure and have their tariffs
20 through an understanding with the local Chamber of
21 Navigation. There wouldn't be any wheelsmen on a
22 vessel less than 1,000 gross tons. On board vessels
23 of less than 2,000 tons there is one wheelsman and on
24 vessels of more than 2,000 tons two wheelsmen and on
25 vessels of three thousand tons there will be three
26 wheelsmen. The wheelsmen have their own poolings and
27 their task is that of specialist work. They are
28 specialists manpower on board.

29 Q. Now, the fourth recommendation
30 regarding these two Districts is that the exemptions
in tariff at the present time be reduced to the exemptions



1 French
2 in existence at the present time in the Montreal District.

3 A. We must say in the first place
4 in no where in the world have we ever seen any seaway,
5 any artificial channel that had any, the Kiel Canal
6 or the Panama.

7 Q The Suez?

8 A. And the Suez, no exemptions are
9 granted.

10 Q Manchester?

11 A. Manchester, in Manchester in
12 practice all important vessels hire pilots, but there
13 is no compulsory pilotage in existence in Manchester.
14 We have seen vessels of high tonnage or medium tonnage
15 or even in many cases small tonnage, these vessels can
16 accomplish to transist in these pilotage districts
17 without hiring a licenced pilot onboard. Actually
18 here in Canada certain shipowners enjoy exemptions for
19 large vessels. Perhaps there are many factors to be
20 taken into account in that. Mention was made, for
21 example, of the harbour of the north coast of the
22 St. Lawrence that the element for which there was a
23 pilotage system in a private harbour was for expediency
24 purposes. It was mentioned at that time that the
25 security or safety element was not much considered,
26 but rather it was for expediency purposes. Naturally
27 one of the aspects of pilotage is to render a service
28 and give good service and efficient service. From this
29 viewpoint it becomes of an economic nature.

30 This viewpoint, this canaling viewpoint



1 French

2 renders the effect of hiring a pilot on board
3 economical as well as good for the shipowners. This
4 principle wasn't denied^{it} at all in the shipping canal or
5 the Seaway and moreover has been proved before this
6 Commission that on many occasions and in many cases
7 ship companies of Canadian shipowners having lakers,
8 and also American shipowners apparently for such lakers
9 have established their own pilotage system. We have
10 seen the case of a Canadian company who have licensed
11 pilots from the States. They still have two of the
12 special pilots and Captain Edwards stated before this
13 Commission in many cases many pilots who were masters
14 were signed to more than five or six vessels and had
15 taken a change from one vessel to another vessel to
16 undertake pilotage. In other cases they put an addition-
17 al member of the crew on board to undertake the
18 pilotage.

19 These State licensed pilots replace the
20 other ones to create a system of pilotage within the
21 companies and thus avoid State control.

22 I have figures here before me, figures
23 that I prepared according to the evidence related by
24 Captain Des Groseillers who told us he performed about
25 75 trips a year in the Districts from Montreal to
26 Cornwall and Cornwall to Kingston. If these vessels
27 had hired licensed pilots on a basic tariff they would
28 have paid \$27,375. He stated . . .

29 Q. Your tariff is \$365?

30 A. No, \$360.



1 French

2 Q. \$200 is Kingston and \$160 is Kingston,
3 Montreal?

4 A. Captain Des Groseillers produced
5 his contract before the Commission and indicated an annual
6 wage of \$7,853 gross and an allowance if the season was
7 lengthier plus a pension fund, fringe benefits and so
8 forth. Thus it could be seen that that pilot cost the
9 company about \$10,000. For \$17,000 the company for
10 economic reasons have decided not to take pilotage which
11 was controlled by the State in order to have pilotage
12 which would be operated by a company and which is not under
13 the close supervision of pilotage supervisors and the
14 State itself.

15 Now, from the safety viewpoint one must
16 say that these pilots are old and will go on retirement
17 very soon, and no apprenticeship system is provided in
18 that case. Moreover we believe that certain pressures
19 would be exercised with this Commission in order to obtain
20 exemptions on these type ships along the St. Lawrence.

21 Q. Don't use "pressures" use impression.

22 A. I am under the impression that
23 certain representations will be made before this
24 Commission in order to extend these exemptions all along
25 the St. Lawrence, that is over the course of 450 miles.
26 The pilots and masters are being requested to do everything
27 in their power for a period of 24 hours in the Seaway, and
28 these same men would be requested to do pilotage for a
29 distance of 450 miles. We know that is physically impos-
30 sible to be commanding a vessel for such a length of time



1 French

2 and sailing it and we know that the master must delegate
3 his responsibilities either in the wheelhouse or to some
4 of his inferiors.

5 Naturally this crew must be replaced from
6 one time to another, either at the beginning or the
7 end of a season, so there might be a mess in the organ-
8 ization itself because the organization wouldn't be
9 supervised and this organization which might be perhaps
10 a little less costly than having the service of licensed
11 State licensed pilots would endanger not only the vessels
12 which would be sailing without licensed pilots, but
13 also those with licensed pilots. Moreover we must consider
14 the aspect that the St. Lawrence and the St. Lawrence
15 cities are expanding constantly and constantly developing.

16 Ever since the opening of the Seaway the
17 tonnage has been increasing every year and it has been
18 officially said in Beconcoeur in Quebec a new steel
19 complex will be built. This is very important, not only
20 for cargo of iron ore, grain and so forth that will
21 require a greater number of vessels, and consequently the
22 traffic will be heavier composed of longer and longer
23 vessels, swifter vessels as well as high tonnage.

24 THE CHAIRMAN: I notice that from one
25 District to another the exemptions may vary at certain
26 locations. It seems that the exemptions are stricter
27 in some than in the next place. There must be certain
28 principles regarding the implementation of those
29 exemptions. Why, for example such a type of vessel is
30 exempted at a given location and not exempted at another



1 French

2 location -- I don't know if you are in a position to tell
3 us the whys of such a policy. We will certainly hear
4 this evidence in Ottawa or obtain it in Ottawa. I mention
5 that here because I suppose that the exemption shown in
6 the policies at the present time are not as a result of
7 negotiations or compromise but rather are based upon guiding
8 principles and I hope we shall have that evidence.

9 THE WITNESS: Personally I think that some
10 historical factors will be underlined insofar as vested
11 interest or rights are concerned of these exemptions.
12 Yesterday an extract from the evidence of an owner of
13 a laker was filed and he stated that these lakers earned
14 a net profit of \$2,000 to \$7,000 a day. I am convinced
15 that if the service of a pilot is provided as in this
16 brief, from an economic point of view it would certainly
17 save many hours for all of these vessels along the St.
18 Lawrence. It is easy to calculate that on an hourly basis
19 and from two or three hours in transit, and these vessels
20 would be paying pilotage dues themselves.

21 Now, as regards the exemptions we have
22 stated and his lordship has underlined this point:
23 that different types of exemptions are granted according
24 to the tonnage of the vessel. My personal opinion may
25 be different from that, that it is a uniform basis
26 exemption for vessels up to 1,500 net tons as exists in
27 the Montreal District should be considered, could be
28 studied or taken into consideration.

29 MR. LALONDE: Insofar as you were concerned
30 do you think that such a type of recommendation would apply



1 French
2 to the Quebec District?

3 A. Yes, I would say that applied in all
4 the Districts. Naturally one may justify exemptions to
5 smaller vessels at times. One may question the competency
6 of pilots. It is due to the fact that certain of these
7 vessels have a low tonnage and must maintain themselves
8 in waters that are nearer to the outside of the channel
9 and naturally a big vessel of a high tonnage who doesn't
10 have on board a qualified pilot and passes through on a
AA2 11 regular basis every day or every second day can't risk
12 with his vessel when he is steering to come out of some
13 position in the channel and meet another vessel coming
14 in the channel. Naturally the man who has the lesser
15 competency will try to remain in the centre of the channel
16 for the safety of his vessel and in turn will give rise
17 to certain difficulties to the other vessels who are
18 also sailing on the same course.

English 19 COMMISSIONER SMITH: Captain, did I under-
20 stand you correctly that you stated consideration be
21 given to exemption of ships up to 1,500 tons?

22 A. Yes, sir.

23 MR. LALONDE: Q. As it is stated on the
24 same basis as the District of Montreal?

25 A. Preferably.

26 Q. The same type of ships that are
27 presently exempted in the District of Montreal.

28 A. These ships that I refer to are
29 ships of Canadian registry who are trading constantly on
30 the St. Lawrence River or in these areas.



1 English

2 MR. LANGLOIS: You are speaking of net
3 tonnage?

4 THE WITNESS: Excluding foreign vessels
5 that may occasionally visit here and so on.

6 COMMISSIONER SMITH: Like C.S.L. operations
7 up the Saguenay and that type of thing.

8 THE WITNESS: I think that would come under
9 compulsory pilotage because they are over 1,500 net tons.

10 MR. LALONDE: Q. I refer the Commission
11 to paragraph 366 of the brief of the Federation which
12 quotes Article 4 of the Montreal Pilotage District.
13 Paragraph 366 is on pages 144 and 145 of the English
14 text and 150 of the French text. Paragraph 2 reads:

15 "Vessels of 1,500 tons and over
16 "employed in voyages specified in subparagraph
17 "(i) of paragraph (e) of Section 346 of
18 "The Act exempt passenger vessels regularly
19 "employed in voyages on the St. Lawrence
20 "River and on the Saguenay River not
21 "extending below the eastern limit of the
22 "Pilotage District of Quebec and all
23 "vessels employed in voyages specified
24 "in subparagraphs (ii) and (iii) of para-
25 "graph (e) of Section 346 of The Act shall
26 "pay pilotage dues as set forth in the
27 "schedule".

28 Your exemptions falling below 1,500 net tons
29 are those operating in the inland waters of Quebec, and
30 various passenger boats making regular cruises on the Saguenay



1 English

2 on the St. Lawrence and Commonwealth coasting vessels
3 under 250 tons. This is the extent of the exemption in
4 Montreal.

5 French MR.LALONDE: Q. Would you have anything
6 to add, Mr. Bedard, regarding this question of exemptions?

7 A. These recommendations on exemptions
8 we would like it established through a Government Act
9 so that there may be a definite policy and this policy
10 not be subjected to changes that wouldn't be taken into
11 full consideration and the fullest guarantee we may have
12 that it be established before a Parliament Act.

13 Q. You mean the law by that?

14 A. Yes.

15 MR. LANGLOIS: Mr. Bedard, I hope you
16 wouldn't keep away from the right of the Governor-in-
17 Council to take off the exemptions even when they are
18 provided for by law?

19 THE WITNESS: This is a point of law
20 you are raising, Mr. Langlois.

21 MR. LANGLOIS: At the present time the
22 Governor-in-Council may take away any exemptions provided
23 by the law, that is what you mean?

24 THE WITNESS: Yes.

25 MR. LALONDE: Q. There are one or two
26 points I would like to get back to insofar as the
27 general recommendations are concerned before putting an
28 end to this examination. I have noticed that for the
29 position of Commissioner of Pilotage that you are suggest-
30 ing, you request that the Commissioner should be fluent in



1 French
2 English and French, or have knowledge of English and
3 French. How important, in your own mind, is the qualific-
4 ation that you have included in your recommendation?

5 A. It is very important because most
6 pilots in Canada are French-speaking and I think we have
7 more facility, even if we know English, to express our
8 views and voice our own opinions in our own maternal
9 language, and personally I give it a great deal of import-
10 ance. I know that the same thing applies to the pilots.
11 The Commissioner of Pilotage will be the supervisor
12 of pilotage and he will be empowered to take any action.
13 He would then be in a position to fully understand the
14 pilot that he may have to put questions to.

15 Q. The system that you are proposing
16 implies the supervision of the activities of the
17 Corporation and its books and so forth. At the present
18 time on the St. Lawrence River what language is used,
19 for example, as regards the minutes, financial reports
20 or documentation or publications from the Association
21 or Corporation of Pilots?

22 A. French.

23 Q. Another point I wanted to raise was
24 relating to recommendation 26 and recommendation 27 on
25 page 217. In the case where the vessels you have mentioned
26 this morning should delay their arrival to the station,
27 and in that case you have asked that a certain indemnity
28 or compensation be paid to the pilot who is detained.
29 At the present time I am told you have a certain number
30 of vessels which, during the winter season, will try to



1 French
2 leave the harbour and will come back after a few hours
3 to the wharf or dock. What is the situation at the
4 present time and what are your recommendations about that?

5 A. I can talk about vessels leaving the
6 Quebec Harbour and which would decide to go upstream on
7 the River to Three Rivers. At that time two pilots will
8 be called on board and will try to break
9 the ice and go upstream. Under the Quebec Bridge there
10 are big masses of ice and the vessel may be in difficulty
11 for many hours being caught by the ice, and after a
12 few hours it may decide to come back to the wharf. What
13 kind of remuneration can a pilot expect from the
14 Corporation at that time? The only thing they can obtain
15 is travelling cost because they haven't gone outside the
16 limits of the Quebec Harbour.

17 MR. LANGLOIS: Did you not have an
18 example of that last week on a Russian vessel who tried
19 to go to Three Rivers and had to come back to Quebec?

20 THE WITNESS: I am not aware of that.

21 MR. LANGLOIS: Are you satisfied with this
22 system according to which the remuneration is only for
23 travelling allowance?

24 THE WITNESS: No, I think there should be
25 a provision of the amount of half a trip or one trip.

26 THE CHAIRMAN: In other words the winter
27 conditions are quite different from that of the summer
28 season and the summer tariff should not be applied for the
29 winter so there should be a special tariff exclusively
30 for the winter season?



1 French

2 THE WITNESS: This is quite new and it
3 haven't been reviewed ever since the establishment of the
4 winter tariff in 1960.

5 THE CHAIRMAN: It is hard enough to try
6 to apply regulations of the Civil Service to pilotage.
7 This doesn't mean pilots would become civil servants,
8 but different from civil servants.

9 MR. LALONDE: Q. Were you aware that at
10 Les Escoumains, for example, last year between Christmas
11 and New Year's many pilots had to wait for many days.
12 Are you aware of the duration of their waiting period?

13 A. I am aware of the incidents. The
14 duration lasted, I don't know how many days. For example
15 one on December 25th, the pilot went in in the evening
16 to wait for the vessel. Naturally ice conditions made
17 it very hard and the vessel may be stuck in the ice
18 ten miles below Les Escoumains. But the pilot stayed
19 there all the time, and I know that it was many days,
20 five or six days or more. While the pilot is waiting
21 they must pay for travelling expenses and room and board
22 and so forth but no compensation is provided so I was
23 asking this morning could there be provision of \$50 per
24 day in the case of detention time be enforced in the
25 winter because the pilot must wait for the arrival and
26 departure of the vessel whenever he is in the harbour.

27 MR. LANGLOIS: Recently about a week or
28 two weeks ago did it not happen you had six pilots at
29 the Les Escoumains station who were waiting for vessels,
30 vessels that never showed up and then had to go back from



1 French

2 whence they came?

3 THE WITNESS: This is perhaps true, but
4 I am not aware of it.

5 MR. LALONDE: Q. You mentioned in the
6 case of Manchester pilotage wasn't compulsory. Could you
7 please refer to your notes about that matter and find out
8 what is in practice the exact situation. I see a note
9 on page 69, A7. I am sorry, it is 68.

10 A. Yes, this is following the appointment
11 that we had with two pilots of the District who stated
12 that in Manchester there is a District where pilotage is
13 not compulsory, but there are no vessels of more than
14 500 net tons who would go upstream in the canal without
15 a pilot, and there are very few vessels with a pilot and
16 the few vessels going upstream on the canal without a
17 pilot, they were through ignorance, this is the other
18 reason.

19 Q. Thank you.

20 A. One must also notice that in the
21 Manchester Canal the number of certificates for master,
22 pilot is two, only two of the certificates exist, and
23 they have been in force for vessels going downstream to
AA3 24 go to sea in order to accept the refuse from Manchester
25 City. At a certain time of the season these vessels
26 are being used in order to organize excursions and bring
27 passengers on board and the certificate for master-pilot
28 was required.

29 MR. LALONDE: If I understand properly
30 it was the City of Manchester giving a reception.



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1 French

2 THE CHAIRMAN: We will have a short recess.

3

4 ---A SHORT RECESS.

5

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B/MR/RPS 1 French

2 ---FOLLOWING THE SHORT RECESS:

3

4 THE CHAIRMAN: The Secretary asks that
5 no document be taken from his desk but if you take a
6 document from the Secretary's desk, be kind enough to
7 indicate so by leaving your name and a little note on the
8 desk at the same time.

9

10 CROSS-EXAMINATION BY MR. BRISSET:

11

12 Q. Mr. Bedard you spoke about the
13 utopia which was to have the remuneration of the
14 German pilots and the workload of the Dutch pilots. What
15 is, in your mind, the utopia of the St. Lawrence pilots?

16 A. Our utopia is to give efficient
17 service to ships so that shipowners are satisfied and
18 so that they can get a remuneration according to the
19 established tariff, according to the degree of their
20 responsibility and according to the service rendered.

21 THE CHAIRMAN: Do you think this is utopia?

22 THE WITNESS: No, I should say it is a
23 reality, or at least an ambition.

24 Q. If I may be allowed to make a
25 joke Mr. Bedard, we might say that the utopia of these
26 pilots might be to have 365 holidays per year and to have
27 the income of the American pilots?

28 A. Yes. Good for a joke.

29 Q. While dreaming about utopia do the
30 St. Lawrence pilots think about this problem: that the



1 French

2 cost of pilotage may reach such a degree, such a level
3 that the traffic on the St. Lawrence would be affected
4 by it as regards the St. Lawrence and Seaway as well and
5 this to the benefit of the American harbours, for instance?

6 A. Yes. There is a fact and any
7 economic factor must be considered not only as regards
8 the pilotage but as regards other problems. It is only
9 fair that the shipowners have in mind the amount of
10 money which pilotage costs, but I think we should also
11 take into consideration the number of pilots in the
12 distance within a sea channel, a seaway like the St.
13 Lawrence Seaway.

14 Q. In other words, this problem is
15 not overlooked by the pilots. The pilots are aware of
16 it?

17 A Yes, we are aware of it. No doubt
18 of it.

19 Q. Would you consider that in this
20 respect the St. Lawrence Seaway and the St. Lawrence
21 River, according to their respective lengths -- for
22 instance, to take a ship from the Harbour of Montreal
23 one has to go through about 250 miles, with restricted
24 waters, with compulsory pilotage. Taking into account
25 this factor, Mr. Bedard, do you think that it is fair
26 to compare the situation in this country with the
27 situation as it appears to be in the countries which
28 have been mentioned by you where the pilotage route is
29 much smaller before you get to the harbour to be served?

30 A. Yes. This, of course, can serve as



1 French

2 comparison. If we want to examine more thoroughly
3 distances, and establish comparisons, this will give
4 rise to difficulties because when a ship can be so far
5 inside a river, there are very few examples of it; as
6 regards the cost of pilotage, if we would establish
7 a comparison we would reach a comparison which could
8 be feasible.

9 For instance, from Escoumains to Three
10 Rivers and we would state the cost of the operation,
11 take a boat going in the Hudson River into Albany, would
12 state the pilotage cost in the transit in New York,
13 plus the cost to go up the Hudson River.

14 Q. Are you aware that in Canada, on the
15 St. Lawrence Seaway, on the St. Lawrence River we have
16 a route which, if it takes the ship inside the country,
17 it exceeds one thousand miles?

18 A. This is correct.

19 Q. Therefore you will agree with me
20 it is difficult to compare this situation with that
21 situation of other countries in the world? There are
22 no other places in the world where in the domestic waters
23 it can lead ships as far inland and as far away from
24 the sea.

25 A. It depends which comparison you
26 want to establish. It depends which type of comparison
27 you want to establish.

28 Q. In this respect I would like to
29 request that you refer to Exhibit 884, which has as its
30 title in English "comparable pilotage dues".



1 French

2 I would like, in my statement, to use only one example.

3 That of the vessel HIKAWA MARU which appears at the

4 top of the list. Taking this vessel, we see that the

5 gross tonnage is 11,000 tons whereas the draught is

6 only 24 feet 3 inches. Is there any particular reason

7 that this draught is rather inferior, rather small.

8 It would mean that the boat is not loaded to full capacity?

9 A. No, there is no particular reason.

10 When I prepared this table, I wanted it to have continuity

11 with what had been presented by the pilots from the

12 Western Coast and on their table already presented they

13 had inscribed the tons and draught.

14 Q. Would you like now to take the

15 column Escoumains to Quebec, pilotage dues where the

16 amount is \$178.03. As regards Les Escoumains

17 we must add to this the expense of the pilot boat which

18 amounts to \$20?

19 A. That is correct.

20 Q. We also have to add the expense

21 of the pilot boat which will disembark the pilot in the

22 Quebec Harbour?

23 A. That is correct.

24 Q. If my memory is correct, this

25 amount is \$10?

26 A. Yes, it is \$10.

27 THE CHAIRMAN: \$20 in Les Escoumains and

28 \$10 in Quebec.

29 Q. Let us follow this vessel as far

30 as Montreal. Here you will have a supplementary charge



1 French

2 of \$242.75 to which one will have to add certain over-
3 charges, like, for instance, the expense for pilot boats
4 at Three Rivers?

5 A. Yes.

6 Q. How much?

7 A. \$10.

8 Q. If the ship has to anchor in
9 Lanoraie, for instance, there will be also a taking over
10 of pilots?

11 A. That is correct.

12 Q. If the ship has to stop at Longue
13 Pointe for inspection, the river pilot will be taken
14 over by a port pilot?

15 A. That is correct.

16 Q. And, therefore, there will be a
17 charge for the service of the harbour pilot. In that
18 case that would be \$41?

19 A. This is exact.

20 THE CHAIRMAN: \$41 plus the charge for
21 the boat?

22 Q. Yes. If the boat heads towards
23 the Seaway and is piloted by the River pilot to the
24 entrance of the lock, the River pilot will get a
25 supplementary remuneration of \$20?

26 A. This boat has already required
27 the services of a harbour pilot for going through the
28 harbour?

29 Q. Yes. You are right, if he is not
30 stopped at Longue Pointe this overcharge of \$20 is paid



1 French

2 to the river pilot whereas, if he has to stop at Longue
3 Pointe the cost of pilotage from Longue Point to the
4 entrance of the lock will be included in the \$41 which
5 has been mentioned earlier?

6 A. That is correct.

7 Q. In any case, in order to have a
8 lump sum, and if we stop the trip at Montreal, do you
9 agree with me to bring the vessel in question it would
10 cost in fact about \$500 altogether?

11 A. Possibly, if you have made a
12 calculation.

13 Q And that includes the overcharges
14 which I have mentioned?

15 A. Yes.

16 Q. Let us assume that the vessel
17 unloads and loads again in Montreal to go towards the
18 high sea. It is logical to believe that pilotage
19 expenditure, as regards the return trip, will be more
20 or less similar?

21 MR. LALONDE: I have just been informed
22 that the cost of the calculation quoted would be \$460.78.

23 THE CHAIRMAN: It varies according to
24 whether you start from Lanoraie or whether you start
25 from Longue Pointe.

26 MR. LANGLOIS: There would be a taking
27 over in Lanoraie if the conditions are such in the
28 Montreal Harbour that one has to wait and also if the
29 ship is not equipped to go into the St. Lawrence Seaway

30 THE CHAIRMAN: In this example it is a ship



1 French

2 which goes to Montreal.

3 MR. LALONDE: If we embark on that
4 sort of discussion, we could use any other harbour
5 for which one has to pay three times.

6 Q. Mr. Bedard, I hope we shall not
7 start in a long discussion. Even if I were a few
8 dollars off or above, what I wanted to say was that the
9 figure of \$500 is not very far out from what the ship
10 will in fact have to pay?

11 A. Yes.

12 Q. And the same for the return trip?

13 A. Yes.

14 Q. Consequently, for a ship which
15 comes to be loaded here in Montreal and goes back to
16 sea, there will be a charge in the harbour expenses of
17 about \$1,000?

18 A. Yes.

19 Q. I shall refer you now to the same
20 ship going, say, to Boston Harbour to load and unload
21 her cargo. You have that pilotage expense which will
22 amount to about \$300. That is twice as much as \$157.60,
23 more or less?

24 A. Yes.

25 Q. Do you agree with me that the ship
26 which will choose Boston rather than Montreal will have
27 a financial advantage with regard to the pilotage dues?
28 The advantage will be about \$700?

29 A. I would be curious to know what
30 would be the price of transitting this cargo which was going



1 French
2 to go to Montreal which would be unloaded in Boston
3 and which would have to be shipped from Boston to
4 Montreal.

5 Q. I do not deny there are other
6 factors which have to be taken into account in the
7 final decision of the shipowner before he chooses Boston
8 rather than Montreal for unloading the cargo but will
9 you not agree with me that the cost of pilotage may be
BB2 10 an important factor?

11 A. Yes, it is a factor which must
12 be considered but in my opinion, and according to the
13 figures we have stated, the incidence of this fact is
14 very small as compared to that of other operational
15 factors.

16 Q. When you have prepared these
17 figures, have you studied how much it would cost in
18 relation to the boat HIKAWA MARU to go up the Lakes
19 let us say as far as Chicago?

20 A. Do you mean as far as the pilotage
21 is concerned?

22 Q. Well as far as Duluth?

23 A. We could do it as far as Kingston
24 easier on the basis of this table.

25 Q. Without having carried out a
26 thorough study on what could be that cost, would you
27 be ready to admit with me that it can reach, starting
28 from Montreal to go to Duluth or Chicago and return,
29 it can reach about \$2,000 to \$3,000?

30 A. This is possible.



1 French

2 Q. A factor which I think you will
3 also admit which must be considered by the shipowner
4 when he decides if he is going to send his vessels towards
5 the Great Lakes instead of the harbour?

6 A I hope so.

7 Q. Still with this exhibit, I refer
8 you to Exhibit 884, may I refer you to the item of the
9 pilotage dues in Rouen where you indicate that in and
10 out the cost would be \$869.99 aside from the administration
11 costs and other surcharges, or overcharges. You have
12 visited Rouen?

13 A. Yes.

14 Q. Are you in a position to confirm
15 that Rouen is considered as one of the most difficult
16 harbour to have access to as regards pilotage?

17 A. Yes.

18 Q. As a matter of fact, in order to
19 reach that harbour many times there are two or three
20 pilots on board?

21 A. Rarely.

22 Q. But for certain vessels is it not
23 a fact that two or three pilots are dispatched?

24 A. In very exceptional cases. Very
25 rarely. You mean two or three pilots simultaneously?

26 Q. Yes?

27 A. Very rarely.

28 Q. Are you in a position to tell me
29 if Rouen is a busy harbour or if it is a harbour that
30 shipowners want rather to avoid?



1 French

2 MR. LANGLOIS: Perhaps the shipowners
3 would be the best witnesses to that.

4 A. This harbour is visited by many
5 vessels but to say that the shipowners are avoiding
6 that harbour, I cannot tell you if this is a frequent
7 occurrence or not. I cannot tell you if it is more
8 frequently visited by coastal vessels or ocean-going
9 vessels.

10 MR. LALONDE: "Reports of the World, 1961,"
11 15th edition, publication which is well-known in all
12 shipping circles.

English 13 Arrivals 1959, 4,122 ships of 4,351,393
14 net registered tons and 4,312,143 metric tons of cargo
15 inwards. 2,287,463 tons out.

16 The Rouen Harbour is near Le Havre
17 and naturally there is competition between both harbours
18 and the information for Le Havre indicates arrivals
19 1957, 4,745 ships of 19,500,000 net registered tons,
20 13,300,000 tons of cargo inwards, 2,400,000 tons out.
21 244,407 passengers in and out.

22 A. To answer Mr. Brisset's question
23 who was asking me if I thought it was a harbour that
24 was avoided by the shipowners, I notice here according
25 to Exhibit 885 that the Rouen Harbour is the third
26 most important one in France. It ranks after Marseilles,
27 Le Havre and Rouen is in the third place.

French 28 Q. In the figures that you have before
29 you, information is given regarding the tonnage of
30 French vessels as compared to the vessels from other



1 French
2 countries. Your legal adviser mentioned that there
3 was an amount of 4,000 and some odd vessels which had
4 gone to the Rouen Harbour in 1961. Would you have
5 that breakdown and could you please tell me how many
6 of them were French registered vessels?

7 A. Well I don't have details regarding
8 the number of vessels, according to their flags. The
9 total figure is indicated tonnage, pilot, number of
10 pilotage operations.

11 Q. Still with this Exhibit 884,
12 may I refer you to item Le Havre where the pilotage
13 dues for the HIKAWA MARU are of \$143.05 and that for
14 the Montreal Harbour of \$41. During your visit in
15 France did you have the opportunity of visiting Le
16 Havre?

17 A. Yes.

18 Q. Are you in a position to tell me
19 what is the average time required to pilot one vessel
20 from one wharf at Le Havre up to the sea?

21 A. The harbour pilots accomplish about
22 300 turns per year and the duration of the turn may vary
23 from 2-1/2 hours to 15 hours including the hour of
24 departure of the station up to the time of getting back
25 to his station but the average would be of around six,
26 seven hours including the moment of departure and
27 that of the return. The average is 300 hours a year.

28 Q. You are aware that in the Le Havre
29 Harbour there are inner canals which are very narrow
30 and it happens there are bridges, and these canals are



1 French

2 close by locks and the vessel must negotiate this
3 canal in order to get to a great number of wharves.

4 A. I am not aware enough about it
5 to give evidence about it. I couldn't tell you to say
6 for small or large vessels.

7 Q. I would like to ask you, as you
8 have already filed some charts, ^{to fill} a Le Havre chart and
9 its access as Exhibit No. 901.

10

11 ---EXHIBIT NO. 901: Le Havre chart.

12

13 Q. Mr. Bedard when the vessel is
14 piloted to enter Le Havre or get out from Le Havre,
15 the vessel must be steered and brought to the station
16 at sea?

17 A. That is correct.

18 Q. And the pilot who has piloted the
19 vessel from Le Havre to the sea must wait at the
20 pilotage station?

21 A. Yes. He can wait there or can
22 be sent through by launch and to land, according to the
23 number of pilots waiting off the coast.

24 Q. In fact very frequently he is
25 sent back to his headquarters using a launch?

26 A. This may happen.

27 Q. It is only in the case of stress
28 of weather or whenever they have to wait a long while
29 to pilot a vessel that the pilot stays there at the
30 station at sea?



1 French

2 A. I cannot tell you what is the
3 frequency of these incidents.

4 Q. Now you made a comparison between
5 pilotage dues in the Montreal Harbour indicating a
6 distance of 11 miles which would be the same as the
7 pilotage distance at Le Havre.

8 A. Well this may vary. It may be
9 less in one place to another.

10 Q. Is it not a fact that in the
11 Montreal Harbour the distance in many cases for movages,
12 for example, from Section 35 and 36 to the entrance to
13 the lock, the St. Lambert Lock and vice-versa is
14 piloting covering a very short distance?

15 A. That is correct.

16 Q. Before establishing this comparison
17 of pilotage dues at both locks and the workload of
18 pilots, you have told us that the Le Havre pilots
19 perform about 24 trips per month?

20 A. That is correct.

21 Q. Did you look at Exhibits 788, 789
22 and 527 which gives the statistics on the workload
23 of the Montreal Harbour pilots and in the case of
24 Exhibit 788 and 789 it gives statistics regarding the
25 busiest pilot in the least busy month and the busiest
26 pilot during the most busy month?

27 A. No. The statistics were supplied
28 by whom?

29 Q. By the legal adviser of the
30 Commission.



1 French

2 A. Prepared by whom?

3 Q. Prepared by the D.O.T.

4 A. I did not consult or look at
5 these exhibits.

6 Q. Taking into account only the
7 duration of the pilotage itself, that is the times
8 during which the pilot is on board performing his
9 duties as a pilot, the time required very often is
10 less than an hour and very seldom beyond two hours. You
11 may look at these documents. It takes about half an
12 hour.

13

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CC/PB/rps 1 French

2 A. Which would be the title of this
3 item?

4 Q. Time piloted.

5 A Duration of time piloted, item No.
6 10. It varies between half an hour and only three
7 hours in one particular case.

8 Q. There is another item which is
9 time on duty. If my memory is correct it is the follow-
10 ing item and it adds a certain period of time.

11 A. Not in every case. In the first
12 case we have duration pilotage .5, next item, time
13 piloted 1.1 and our final total time on duty 1.6 hours.

14 Q. In the case of these statistics
15 will you not agree with me it would not be quite accurate
16 to compare the pilotage dues and the workload of the
17 pilots in Le Havre with the pilotage dues of the pilots
18 in Montreal and the workload of the pilots in Montreal?

19 A. The workload of the pilots in
20 Le Havre is calculated into the return to the station.
21 Statistics from the Transport Ministry have not taken into
22 account in the past the departure from the domicile and
23 they haven't taken into account the time from the return
24 to the station to the return home, which, of course,
25 explains the difference of the amounts of time which appear
26 in Montreal.

27 Q. You agree that in many cases, like
28 in the case of Le Havre, the pilot embarks on the ground
29 and disembarks also on the ground like in the St. Lambert
30 Locks and, therefore, there is no trip to do in the launch



1 French

2 like in Le Havre, to come back from the high seas to the
3 station and then to the domicile?

4 A. Yes, that is correct.

5 Q. This ~~may~~ be an old saying, Mr. Bedard,
6 but it still exists: comparisons are always distasteful.

7 A. No, we can compare certain facts,
8 but of course we can't establish an absolute parallel
9 between two pilots or two doctors or two medical
10 practitioners and so forth, but we can try . . .

11 MR. LALONDE: Or two lawyers.

12 THE WITNESS: We couldn't certainly compare
13 one with the other on such a basis and this wasn't the
14 aim of this document anyway. We have often been accused
15 of pilotage dues on the St. Lawrence, that they were
16 enormous, that they were booming all the time and the
17 aim of our document was to go against these false
18 ideas.

19 Q. To change the subject I must say
20 during your evidence I was surprised to see you compare
21 pilots to plumbers at one point and you compared them
22 to dentists.

23 A. No, I haven't compared them to
24 plumbers or dentists. I may have compared their incomes
25 to plumbers or dentists.

26 Q. I would like to tackle you now as
27 to the subject of the Letch Report, the British Letch
28 Report. You told us that the pilots of the St. Lawrence
29 were absolutely against a system such as the one
30 advocated in the Letch Report as regards the reimbursement



1 French
2 of the pilots?

3 A. Yes, such as the principle appears
4 in the report.

5 Q. Did you take the trouble to compare
6 the differences which exist between the recommendation
7 appearing in this report and the representations made
8 by the shipowners' Federation aiming at granting to the
9 pilot a remuneration within the framework of a minimum
10 and maximum?

11 A. Did you say presentation made by
12 the shipowners? They never presented anything.

13 Q. No, I didn't mean presentation. I
14 mean the idea put forward by the shipowners which was
15 that all remuneration would be within the framework of
16 a maximum and minimum.

17 A. Mr. Brisset, we have never heard
18 anything concrete enough on the matter to compare with
19 the Letch Report the offers which the shipowners might
20 make to us. . .

21 Q. I am putting this question to you
22 because I remember at one particular point you stated
23 that the Federation of Shipowners had a concept which was
24 very similar to the concept laid down on the Letch Report
25 on this matter. Did you say such a thing?

26 A. Yes, I did.

27 Q. What I wanted to see was whether
28 you had also studied the divergences between those two
29 concepts as far as the principle is concerned?

30 A. The principle is rather similar. You



1 French
2 have a minimum and a maximum which have been established
3 by the interested parties. The difference being that
4 in England the increases were automatic when the officers
5 were granted a percentage of their income the pilots
6 had their incomes increased automatically.

7 Here I believe the shipowners had in
8 mind to establish a minimum and a maximum and to discuss
9 one year after another whether one had to increase or
10 decrease this maximum and minimum.

11 Q. In fact this is the difference to
12 which I wanted to draw your attention. Do you not think
13 that if instead of basing the motivation of the
14 remuneration or what may happen, for instance, to the
15 naval officers or even to what may happen to the index
16 of the cost of living, do you think the parties concerned,
17 that is the pilots and the shipowners should not be
18 left free to negotiate each year taking into account
19 the conditions met the year before what would be either
20 the minimum or the maximum or both for the following
21 year?

22 Do you not think the pilots will find this
23 in their interests?

24 A. Yes, I think it would work in their
25 favour, but we changed the system completely. Instead
26 of discussing about tariffs we were discussing about
27 income for pilots without taking into account the tariff.

28 Q. Taking into account, of course, I
29 am sure you know the workload of the pilot, whatever the
30 method is used to determine this load of work.



1 French

2 A. Yes, this has to be taken into
3 account.

4 Q. In other words do you not think in
5 this concept it would be possible to accept
6 a method of calculation of income of pilots and their
7 workload because these calculations would become less
8 important than it is today from the point of view of the
9 pilot or the income of the pilot?

10 A. I can't quite understand your
11 question.

12 Q. I would like to give you an example.
13 Pilots today have submitted that when establishing the
14 workload one had to take into account the time spent
15 from the time when the pilot leaves his domicile to go to
16 the station and also the time elapsed between the time
17 when he leaves the boat and has to go to his residence.
18 In the statistics from the Ministry this time is not
19 taken into account now. And when one publishes statistics
20 this is the approach. If the shipowners and the pilot
21 could come to an agreement about a maximum and minimum
22 income don't you think these calculations about workload
23 inasmuch as tariff items should be included, do you
24 think they would have the same amounts today?

25 A I think that the principle of minimum
26 and maximum in the discussion of income is not a
27 principle which we can accept as pilots because the
28 pilots consider themselves free contractors who render
29 services. If at a given time the pilots wish to work more
30 or less this doesn't affect the safety of the ship because



1 French

2 the pilots don't have to retire. Anyway this isn't,
3 this has nothing to do with the shipowners and as long
4 as the pilot does his job properly I don't see why the
5 shipowners would have a say in all the matters and would
6 have to propose a number of hours to be worked by
7 pilots and the number of ships before he was in difficulties
8 in the principle.

9 Q. There is another point which you
10 have raised during the evidence and if I understood you
11 correctly you don't see how we can have a guarantee given
12 to the pilots, a minimum or maximum salary in case the
13 tariffs wouldn't give out the required difference?

14 A. That is correct.

15 Q. I would like to refer in this respect
16 to paragraph 562 from the brief tabled by the Federation
17 of St. Lawrence Pilots, page 211 of the English text,
18 paragraph 562 and I also refer you to paragraph 564,
19 page 212 of the English text. You provide two different
20 tariffs, one of which would cover only administration
21 expenses.

22 Paragraph 564 and again in your evidence,
23 is it not true that you foresee eventually a deficit?

24 A As regards administration expenses?

25 Q. Yes, if the amount is not adequate
26 to cover the administrative expenses for the whole year?

27 A. Yes, that is possible.

28 Q. If that were to happen would you
29 like to tell us where, according to you, the required
30 money to ward off the deficit is coming from?

The first part of the paper discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study. The second part of the paper presents the results of the study and discusses the implications of the findings. The third part of the paper concludes the study and provides some final thoughts on the research.

The study was conducted using a qualitative research approach. The data was collected through interviews with participants who were selected through purposive sampling. The interviews were conducted in a semi-structured format, allowing the researcher to explore the topics in depth while also following a general guide. The data was then analyzed using thematic analysis, which involves identifying themes or patterns in the data that relate to the research objectives.

The findings of the study suggest that there are several key factors that influence the outcomes of the research. These factors include the quality of the data, the reliability of the participants, and the effectiveness of the research methods. The study also highlights the importance of careful planning and execution in order to ensure the validity and reliability of the results.

In conclusion, the study provides valuable insights into the research process and the factors that can influence the outcomes. It also highlights the need for ongoing research and evaluation in order to improve the quality of the research and the effectiveness of the research methods.



1 French

2 A We would have to borrow in that
3 case.

4 Q. How would the deficit be struck
5 off, by the pilots or by the Government?

6 A. It wouldn't be done until the next
7 budget would be prepared. When the next budget was
8 prepared in the light of the expenses of the previous
9 year one should taken into consideration that we have
10 a debt of so much to be paid for.

11 Q. In other words to give a complete
12 example you foresee that at the end of the year you
13 may have a deficit of, say, \$50,000 in the administration
14 expenses of the District. After to ward off the deficit
15 you have to review your tariffs and the revenues from
16 the tariffs will pay the current expenditures plus the
17 deficit of the previous year?

18 A. That is correct.

cc2 19 Q. Don't you think as regards the
20 maximum and minimum income which might be agreed upon
21 with the pilots for a given year, any deficit which
22 might occur in the course of that year may be warded off
23 in the same way?

24 A. Yes, but in the case of administration
25 costs you have total cost and in the case where you
26 have a considerable difference in the traffic, from the
27 viewpoint of the pilots' income, you then have pilots
28 who have worked less but you guarantee a minimum income
29 and I can't conceive the shipowners and the Government
30 in agreement together would be in favour of keeping the



1 French
2 pilots idle or semi-idle at a high income. At that
3 time there would be a review of the minimum upon the
4 decrease and we get back to the same thing as basing
5 ourselves upon the traffic and the tariff. If there is
6 less traffic at the present time, well, the pilots have
7 a lesser income, and if the tariff increases, well, the
8 pilots' income goes higher accordingly. We get back
9 to the same thing but we take a different scale.

10 Q. But in the interval whenever there
11 is a deficit don't you think it would be fair for the
12 D.O.T. to ward off this deficit until it could be
13 written off by the income of the following year?

14 A. Once more we are getting into -- we
15 are trying to invite a certain type of interference
16 on the part of civil servants or something of that sort,
17 whilst on the other hand we can get a loan from the
18 bank at a low rate and I think it would be better for
19 the organization without having to ask the Government
20 to give a loan. When you have some money supplied by
21 public funds through a Department of the Government
22 you will have, out of necessity, certain civil servants
23 who will be there in order to look after that money.

24 Q. Am I to understand from your
25 answer in the case of a deficit occurring in the administ-
26 ration that the pilots themselves with the help of
27 the income taken from the other tariffs will see to it
28 to ward off that deficit if they get a loan?

29 A. Yes.

30 Q. Let us take the contrary case: if



1 French

2 there is a surplus in the administration cost tariff
3 how would that money be used?

4 A. To give the same figures you used,
5 if there is a surplus of \$50,000 at the end of the year,
6 I think when the budget was prepared for the next year,
7 I think the administration tariff should be decreased
8 taking into account that the year has started with a
9 reserve of \$50,000.

10 Q. To sum up this debate, Mr. Bedard,
11 I can recognize that you adopt the same system regarding
12 the tariff for administration costs that has been conceived
13 by shipowners or established by shipowners as regards
14 minimum and maximum income envisaged by the proposal.

15 A. I don't think so because one is the
16 income for work done and the other is for costs of
17 administration so it is a fixed charge.

18 THE CHAIRMAN: Are you going to change
19 the subject? We are going to have a short recess.
20 Before that I would like to make a comment here to the
21 effect that another consideration ^{that} should be taken into
22 account is that the two tariffs take into account two
23 different things. The first tariff for administration
24 cost is for a fixed amount which has no maximum or
25 minimum. It is a true amount whilst the other will be
26 an amount which will have a maximum and minimum. If
27 during one year there is a deficit and the pilots are
28 paid the minimum charge in order that this be reimbursed
29 in the course of the next years it will have to be with
30 the help of the surplus from the maximum amount. Of course



1 French

2 this is the different concept between the two tariffs.

3

4 ---A SHORT RECESS.

5

6 ---FOLLOWING THE SHORT RECESS:

7

8 MR. BRISSET: Q. Mr. Bedard, in the
9 following questions I would like to adopt the order which
10 you yourself followed during your evidence. I would
11 like to draw your attention to paragraph 6 of the brief
12 of the Federation in which it is stated that since 1959
13 the pilots have considered the opportunity of setting
14 up a Commission like the one which is sitting today.

15 A That is correct.

16 Q. Do you know that the shipowners
17 themselves, and if my memory serves me right, before
18 1959 had suggested the setting up of a Commission?

19 A. I didn't know about it, but it is
20 possible.

21 Q. In any event there seems to have
22 been a common agreement on the desirability of setting
23 up a Commission to settle the matter.

24 A. It seems likely.

25 Q. You told us for the purpose of the
26 preparation of your brief the pilots had been consulted.
27 Is it not right, however, to say that in fact the
28 preparation of the brief, particularly the selection
29 of recommendations contained in those documents are the
30 work of a small number of pilots?



1 French

2 A. No.

3 Q. Is it not the members delegated
4 by each Corporation, who to a great extent, are or have
5 been administrators of the Federation? Is it not those
6 delegated members who are mostly responsible for the
7 drafting of these recommendations, particularly for the
8 drafting of the system whereby the pilots are responsible
9 for the administration of pilotage as it is mentioned
10 in this brief?

11 A. There is here different stages.
12 There are different stages which must be understood.
13 There are, of course, a series of stages which must
14 be considered. First of all on such a meeting of members
15 there must be, first of all, a draft. The draft must
16 be discussed by the various members and such draft
17 has been prepared and discussed with each Board of
18 Administrators or Board of Directors. The Board of
19 Directors studied the matter, presented it to their
20 members, orally or in writing, and then the members
21 from the Boards of Directors came on June 4th together
22 with other delegated members on top of the members of
23 the Boards of Directors that had an opportunity previously
24 of discussing these proposals with the active members
25 who are neither in the Board of Directors, in the Feder-
26 ation nor in the Board of Directors of the Corporation
27 nor delegated members.

28 Of course the approval was made by the
29 delegated members. The delegated members represent
30 the pilots and they had an opportunity of discussing about



1 French

2 these proposals with the pilots.

3 Q. Mr. Bedard, you will admit with me
4 that the system advocated in the brief deposited by the
5 Federation is a system which has certainly not been a
6 last minute affair?

7 A. No, it has not been drafted at
8 the last minute.

9 Q. It is correct to say that this
10 system has been elaborated jointly with the setting
11 up of Corporations? In other words when one started
12 creating these organizations, the first of which I
13 think was created in 1957 it was already foreseen as
14 a preliminary step, more or less, that there would be
15 a system as advocated here in this brief?

16 A. I have been active in the pilot
17 organization since 1960 and I consider in 1960, to my
18 knowledge, such a programme wasn't contemplated.

19 Q. Do you think that the setting up
20 of the Corporation, the coming of the organization had
21 been the long-run aim for creating a system which would
22 give to the pilots the control of the administration
23 of pilotage?

24 A. Not to my knowledge. I have
25 participated actively in the Corporation of the Lower
26 St. Lawrence Federation. At that time it never occurred
27 to us that the pilots were preparing this Corporation
28 for the aim of having their own administration of
29 pilotage.

30 Q. However, in the light of your



1 French

2 evidence of what happened after 1960 can you tell me

3 when the idea was raised, can you tell me when the
4 idea was launched, the first time?

5 A. By whom? By myself?

6 Q. No, within the Federation during
7 the deliberations of the various member groups.

8 A.. I can't tell exactly. When the
9 Minister commenced the setting up of the Royal Commission
10 about a year and a half ago, two years ago, I can't
11 remember exactly, we discussed at once about this and
12 we envisaged different administrative plans which might
13 be efficient, and the status which would be approved
14 by the pilots. Therefore, it is since that time that
15 we seriously thought about the draft, and here is the
16 result.

17 MR. LALONDE: In order to facilitate our
18 work, Mr. Bedard, before you left for your trip abroad
19 was any decision made whatsoever as to what type of
20 administration or administrative plan would be recommended?

21 THE WITNESS: No.

22 MR. BRISSET: Q. Would it be fair
23 to say, therefore, that the trip which you have done
24 abroad was the star which gave rise to the light of the
25 thing you are proposing to us today?

26 A. Yes, as a result of the studies
27 we have made, they certainly influenced our work. We
28 have studied the experience in Canada, the systems which
29 we have seen abroad, and we have compared them.

30 Q. Now, I would like to turn to the



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1 French
2 study of certain of the laws and systems which are
3 in force abroad and which you have mentioned during
4 your evidence on pilotage.
5
6 -----
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DD/MR/RS 1

French

2

Let's take first of all the French system.

3

You have told us that under this system pilotage was

4

compulsory?

5

A. That is correct.

6

Q. In what sense did you use this

7

phrase "pilotage in France is compulsory"?

8

A. I think, if I remember correctly,

9

that the law is very explicit. Pilotage is compulsory

10

but there must be a pilot there ready to work.

11

Q. In this respect I would like to

12

read with you Article 2 of the French law which reads

13

as follows:

14

Pilotage is compulsory for any

15

French vessel or foreign vessel except

16

the cases under Article 3 following,

17

that is the exemptions, within the limits

18

determined by each harbour by the local

19

by-law of the pilotage station of this

20

harbour. The by-laws are established

21

according to the procedure provided under

22

Article 19 of this law.

23

The master of the vessel under the

24

obligation of pilotage has to pay the

25

pilot even if he does not resort to his

26

services, when he is justified he has

27

done the necessary manoeuvre to go and

28

meet the vessel.

29

Is it not true Mr. Bedard under the

30

French law the only penalty imposed on the master who



THE [illegible] OF [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

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1 French

2 does not take a pilot is to pay the dues which he would
3 have had to pay if he had had a pilot on board?

4 A. I think so.

5 Q. In other words, although we use
6 the phrase "compulsory pilotage" the penalty is the same
7 under The Canada Shipping Act? That is, the master
8 will have to pay dues?

9 A. Yes. The same amount, as long as
10 long as the pilot has turned up.

11 Q. In other words, it is not accurate
12 to say, in spite of the phrase used; what is really
13 compulsory is the payment of the dues?

14 A. I don't know if I can be bold
15 enough to say yes or no. Not being a lawyer, I cannot
16 discuss about these legal Articles.

17 Q. Did you have the opportunity of
18 discussing with French pilots the French jurisprudence
19 in that respect?

20 A. No.

21 Q. You were never told according to
22 French jurisprudence that the courts were always very
23 careful to draw the attention to the fact that despite
24 the obligation which would be involved in the law,
25 the master of the vessel was always free to take a
26 pilot on board or not?

27 A. No. In effect pilotage is considered
28 as being compulsory pilotage, as it is written in the
29 law and the vessels are submitted to that obligation
30 without pilots on board.



1 French

2 MR. LALONDE: I would like to refer the
3 Commission to the ministerial document in regard to the
4 law, in the volume I have filed and comments on article
5 II and also on the jurisprudence which is quoted at
6 the end of this book regarding this matter.

7 MR. LANGLOIS: I would suggest, Your
8 Lordship, that what has been said is more directly
9 relevant to the argument than to cross-examination.

10 THE CHAIRMAN: The witness has said
11 that it was compulsory pilotage so that is why we want
12 him to explain his answers and it was just demonstrated
13 it was not exactly -- there was an overtone -- it was
14 not exactly compulsory pilotage. Now, as far as the
15 rest is concerned, what is the value of the French
16 text; this is a question of law and a question of
17 argument.

18 MR. LALONDE: It is shown on page 14,
19 15, 16 and 17; at 41, 42 and 43 of this text I referred
20 to.

21 THE CHAIRMAN: The law is valid so long
22 as it can be enforced. If it entails no penalties,
23 naturally this law is not very valid.

24 MR. LALONDE: The Minister says it may
25 seem a priori and abnormal that the obligations of a
26 pilotage being written in the law -- this same law
27 provides the case where the master does not take a
28 pilot on board whenever he navigates in an area where
29 pilotage is compulsory but the provision concerned
30 constitutes a sanction or penalty against the master

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CHARLES THE FIRST

BY

JOHN BURNET

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THE

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OXFORD

IN

THE

YEAR

1649

AND

1650

BY



1 French

2 who would like to avoid these regulations. This penalty
3 could certainly have had a judicial nature. This does
4 occur in England where the master who does not take a
5 pilot on board can be imposed a penalty. In France
6 they have not admitted such a penalty because in
7 practice there are certain cases where the master, be-
8 cause he goes to a certain harbour, may not have an
9 absolute need for the service of a pilot and, con-
10 sequently, will have to shy away from the idea of im-
11 porting a penalty and they thought it would be prefer-
12 able to say that the pilot services were used although
13 they were not used because insofar as the Government
14 and pilotage station are concerned, compulsory pilot-
15 age gives rise to considerable expense to which all of
16 the ships using that station must contribute.

17 Q If I keep myself to the ocean-going
18 vessels in the St. Lawrence River, is it not a fact
19 that regarding the operations of our law the same
20 result is obtained? That is, the ocean-going vessels
21 always have a pilot on board?

22 A Well with very few exceptions.

23 Q When other pilots are on strike, for
24 example?

25 A No, no.

26 Q The few exceptions are very rare indeed.

27 A It happens every year. Those are very
28 rare exceptions but just the same they happen.

29 Q There was a case of a tugboat which,
30 in 1960, did not take a pilot on board. This was an



Vol. 100, Part 1, 1970

Published by the Royal Society of Medicine

Subscription price, £10.00 net (US \$25.00)

Single issue price, £2.00 net (US \$5.00)

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1 French

2 English vessel, the

3 A You are referring to the one that run
4 aground?

5 MR. LALONDE: I am informed that there
6 was a big American tugboat that did not take a pilot
7 on board this Fall but this story does not tell if it
8 ran aground or not.

9 Q Tugboats are vessels which are used to
10 navigate in restricted waters?

11 A Yes.

12 Q Now let us go on with the German law
13 where you have stated that, if my memory serves me
14 right, in certain cases pilotage is compulsory and
15 still in other cases it is not compulsory. Is that
16 correct?

17 A The rule governing compulsory pilotage
18 and the obligations apply only in the Kiel Canal.

19 Q When you mentioned that the rule is en-
20 forced only in the Kiel Canal, am I to understand that
21 elsewhere in the German harbours the use of a pilot is
22 optional?

23 A That is correct.

24 Q Now in the Kiel Canal you told us that
25 the services of a pilot are compulsory?

26 A Yes, for vessels of 500 gross tons or
27 more.

28 Q In the Kiel Canal is there any penalty
29 imposed upon the master who would not take a pilot on
30 board?



1 French

2 A I couldn't tell you from memory.

3 Q In that case also is not the situation
4 the following: If the vessel does not take a pilot,
5 he will have to pay for the cost, for the pilotage dues
6 as if he had availed himself of the services of a
7 pilot?

8 A My answer is the same. I couldn't tell
9 you from memory.

10 Q Who has control of the traffic in the
11 Kiel Canal? Were you in a position to make an investi-
12 gation about that?

13 A You mean the complete control of the
14 traffic or do you mean by that how are the services of
15 the pilot obtained?

16 Q No. Who controls the traffic, govern-
17 ing the traffic of vessels, maneuvers of vessels? Who
18 will authorize a vessel to enter or to wait at a given
19 place for a ship crossing, or to wait for another reason?

20 A I cannot answer you that.

21 MR. LALONDE: Regarding the previous
22 question of my colleague, I do not have the provisions
23 for the Kiel Canal but I have the law of 1954 and I was
24 astonished that certain provisions go quite contrary
25 to the law. This is Article 54 of the German Law and
26 it states, and I read the French translation:

27 If a master on a vessel is ob-
28 liged by the pilotage by-laws to take a
29 pilot, and if he refuses, he may be sent
30 to prison for three months or pay a penalty,



French

1
2 a fine, and the same thing will apply for
3 the one who on the vessel is forced to take
4 a pilot and keep him from conscientiously
5 exercising his duties.

6 Q This excerpt from the German law applies
7 only to the Kiel Canal as it is the only area where
8 pilotage is compulsory in Germany?

9 A I think so.

10 Q What is the authority, if it exists,
11 which controls traffic on the Kiel Canal? Which juris-
12 diction exists for the pilots in the Kiel Canal?

13 A The jurisdiction is the same for the
14 pilots of Hamburg or the Elba River. The system is
15 similar or identical as regards the Minister of
16 Transport and the Chief Pilot who is the President of
17 the Association of Pilots for Kiel.

18 Q Does the authority administering the
19 Kiel Canal have any jurisdiction whatsoever upon its
20 pilots?

21 A I couldn't tell you Mr. Brisset. The
22 study we have undertaken in Germany has centred es-
23 pecially upon the Elba River. However, we received
24 some information. We have the by-laws regarding the
25 Kiel Canal but it is not translated. We have the text
26 in German.

27 MR. LALONDE: The information you gave
28 the Commission regarding the fact the Kiel Canal pilots
29 are organized in an association, and they have a chief
30 pilot came from where?

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1 French

2 A Well, we have checked that fact with
3 the Vice-President of the German Federation of Pilots
4 and the Association of Kiel Pilots have to belong also
5 to the Federation of German Pilots.

6 MR. LALONDE: Did you know or did you
7 inquire what reason gave rise to compulsory pilotage
8 in the Kiel Canal?

9 A The reason that was given was for safety
10 reasons. Naturally I am referring here to the safety
11 of the vessels.

12 Q I asked you Mr. Bedard why pilotage be-
13 came compulsory in the Kiel Canal and you answered me
14 for safety reasons. Is it not a fact that the reason
15 of safety which is involved here is a reason of military
16 orders, safety of the Country regarding the use of the
17 Kiel Canal especially on the part of foreign vessels?

18 A The information we had about that was
19 to the effect that it was a reason of safety for the
20 vessels and the installation, such as the rocks in the
21 canal itself and this information we got from the pilots.
22 On receiving that information we thought that it was
23 from the viewpoint of the safety of the navigation it-
24 self and not necessarily from the point of view of the
25 military safety.

26 Q Agreed the safety of the installations
27 of the canal was to be stressed, taking into account
28 the dangers that might arise if these installations
29 were damaged or if there was delay following casualty
30 in the canal itself.



English

1
2 MR. JACQUES: With respect to pilotage
3 in German waters, we have a note which reads as follows:

4 "In general there is no obligation
5 to take on a pilot in German marine pilotage
6 districts. Members of ships are obliged to
7 take on a pilot only under certain circum-
8 stances, with ships of a certain specifi-
9 cation. For example, in the Ems River ships
10 having a draft of over six meters. The
11 Kiel Canal ships over 50 tons."

12 French

13 THE CHAIRMAN: At present, all these
14 data have got to be checked as regards the laws and
15 by-laws. We can obtain them and then, of course, if
16 we need some supplementary information we shall make
17 sure to get it.

18 Q Before we go on to another subject, be-
19 cause I do not intend to review each and every Country
20 which you visited, I would like to say a word about
21 Italy. You have stated particularly as regards harbours
22 that in Italy the pilotage was compulsory in the pilot-
23 age districts?

24 A Yes.

25 Q Do you know that there is an obligation
26 for the masters to take pilots in the Italian harbours.
27 This obligation is composed under a law, a special law
28 and this obligation has been discussed between the
29 Pilots Association and the Government authorities.
30 These discussions cover about 15 years in time. Do



THE [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

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French

you know about it?

A No, I don't.

Q Do you know, at any rate, that if there is compulsory pilotage, it would be the penalty imposed on the master who would not take a pilot on board in the pilotage district in Italy? To simplify matters, is there not in Italy some provision to the effect that the master who does not take a pilot on board will pay the pilotage dues, the maximum pilotage dues all the same?

MR. LALONDE: The regulations on pilotage have been filed.

MR. BRISSET: Unfortunately, my knowledge of Italian is such that I do not dare read those texts.

A I would like to refer to the text of the laws.

Q Never mind. Let us take up another matter. You told us that during your trip you met in certain jurisdictions the regulations concerning pilots establishing their domicile near the pilotage stations.

A I do not remember having said such a thing. I remember saying that they live near the pilotage station but I do not remember having said that there were regulations compelling them to do so. I remember having mentioned Rouyn, for instance, and the pilots lived in Rouyn itself or near Rouyn.

Q Therefore, you are not in a position to



1 French

2 tell me that there exists in certain districts regu-
3 lations or demands concerning the domicile of the pilot?

4 A No.

5 Q Do you think it would be of benefit, as
6 regards the St. Lawrence pilots for a regulation to be
7 adopted demanding from the pilots that they live in
8 area X as regards the distance from the pilotage station
9 or the place where they have to take the launch to go
10 on board a ship?

11 A No.

12 Q Even if in calculating the workload of
13 the pilots one has to take into account the amount of
14 time spent to go from his domicile to the station, and
15 ~~vice~~ versa?

16 A The pilot, because he is the pilot in
17 a district, has as his interest to live in a place
18 which is most convenient for him and for his family
19 and if we study the domiciles of the pilots we will
20 note that generally speaking they live near where they
21 work. If a pilot has his family outside, he wants to
22 establish his headquarters in the city where he works
23 but he is free to do so. From a statistical point of
24 view I would like to repeat once again what I have
25 stated: We may have some statistics for comparison
26 but I do not think that a pilot must be considered as
27 being a person who works by the hour and because during
28 his working hours gets so much whether he is on board,
29 whether he is travelling, whether he is waiting for
30 the ship, etcetera.



The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the work done in each of the various departments, and a summary of the results achieved. The report concludes with a statement of the financial position and a list of the names of the members of the committee.

The second part of the report deals with the work done in each of the various departments. It is followed by a detailed account of the work done in each of the various departments, and a summary of the results achieved. The report concludes with a statement of the financial position and a list of the names of the members of the committee.

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French

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Q Could you recall that during your trips and your visits to various pilotage districts abroad, you had met districts where pensions were established on a basis of the percentage of the income of the pilots, the active pilots?

A That is correct.

Q In other words, if I understand correctly the system, the total receipts or the total income of the district are earmarked and an amount of money X is put aside to pay to retired pilots. They will receive a percentage of the income of the active pilots. In other words, this amount will come from the common fund?

A Yes. Well in certain places you have the dual tariff system. One for the administration expenses and the other one for the pilots' income, remuneration. In other words, where there is a single tariff the pension comes from the single tariff pool. Where there is a dual tariff, the pension comes from the remuneration of pilots and not from the administration tariff. What I have in mind is the tariff or remuneration but there may be some exceptions where it comes from the administration funds but I can't think of any example just now.

Q If the concept of the Federation of Shipowners was to set up a yearly income within the framework of the minimum and maximum, do you think that the pension system should be or could be introduced?

A Yes, it could be introduced without

The first part of the paper discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study.

The second part of the paper presents the results of the study. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

The third part of the paper discusses the implications of the study. It highlights the key findings and their significance for the field of research. It also provides suggestions for future research and practical applications.

The fourth part of the paper concludes the study. It summarizes the main points and reiterates the importance of the research. It also provides a final statement on the contribution of the study to the field.

The paper is written in a clear and concise manner, with appropriate use of technical language. It is well-structured and easy to read, making it a valuable resource for researchers and practitioners alike.



1 French

2 having a maximum and minimum established.

3 Q In other words, it can be introduced in
4 both cases?

5 A I think so.

6 Q Have you tried to imagine what would
7 happen if such a system was established. What about
8 the funds already accumulated?

9 A The funds accumulated are there to
10 guarantee a pension to the retired people and younger
11 pilots who already paid to this fund -- we, therefore,
12 build ourselves a pension income and I think that if
13 such a system were established, this fund would pay
14 for the retired pilots and would pay also part of the
15 active pilots. Pilots who are not active pilots will
16 enjoy a pension later on.

17 Q And this is to the exhaustion of the
18 fund when the new system can be implemented?

19 A Yes.

20 Q Although there are no recommendations
21 in the brief of the Federation about such a system,
22 such a pension system, are you in a position to tell
23 me whether the Federation, and obviously the pilots
24 represented there, that they would be in favour of
25 such a similar system?

26 A No, I cannot tell you whether the pilots
27 after consultation would be in favour of such a system
28 because there are no such resolutions. I may have a
29 personal opinion, but I cannot speak on behalf of the
30 St. Lawrence pilots.



[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text visible across the page.]



French

Q In other words, this is a system which has not been discussed by the pilots?

A No. No thorough discussions. No recommendation has been adopted finally.

Q If I may be allowed, I would like to turn back now to another pilotage system which is in force in the Suez Canal and also in the Panama Canal. Are you in a position to tell me whether in fact the Authority which has jurisdiction over the canal, whether the Panama Canal or Suez Canal also controls the traffic?



French

A Yes. We have been on the spot.

We have seen how the system worked in Panama. I refer you to the documents we have.

Q You went to Egypt, did you?

A Yes, I did.

Q Can you confirm that the Suez authority controls the traffic, in other words by control, we have to know exactly what we mean, by control: How you determine that such-and-such a vessel will go in the canal, will they go out and so on and so forth?

A That is correct.

Q The Authority in the Suez Canal also has jurisdiction over the pilots?

A Yes.

Q From many points of view: discipline, determination of their tariff, pilotage tariff?

A Yes, that is so. There is no pilotage tariff as such. The pilots get a fixed salary. The salary comes from the Federal Transit Conference.

Q In other words the Suez pilots are the employees of the pilotage authority -- the Canal Authority, rather, the Suez Canal Authority?

A That is so.

Q The tariff is established by the Authority themselves so as to be able to face up to administration costs and the reimbursement given to the pilots.

A And the pilots don't have an association or a corporation as such. This sort of, rather

The first part of the document is a list of names and addresses. The names are written in a cursive hand, and the addresses are written in a more formal, printed hand. The list is organized into columns, with names in the first column and addresses in the second column. The names are: John Smith, James Brown, William Jones, Robert White, and Thomas Green. The addresses are: 123 Main Street, New York, NY; 456 Elm Street, New York, NY; 789 Oak Street, New York, NY; 1010 Pine Street, New York, NY; and 1212 Cedar Street, New York, NY.

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1 French

2 perplexed me. I asked what do you represent in the
3 pilotage authority, are you the President or Vice-
4 President. I was told they had nothing at all. Later
5 on I put the same question to a pilot. He said, you
6 know, sir, here in the Suez Canal we have no problems
7 whatsoever. The authority is a benevolent one, a
8 friendly one.

9 MR. BRISSET: Your Lordship, it is
10 five o'clock and I suggest we adjourn.

11 THE CHAIRMAN: We will adjourn.

12
13 -- Whereupon the meeting adjourned to 10 a.m.,
14 Thursday, January 16th, 1964.
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